

**Notions of Nationalism, Public Spaces and Women in Egypt, contemplating between constitutions**

**after 2011**

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## ABSTRACT

Writing about women in Egypt is not new. Yet with Egypt's longstanding history of gender discrimination, the topic is always alive and necessitates continued examination. Though I myself have not felt any discriminatory action at my work, my experience as an Egyptian career diplomat has enabled me to follow first hand counts and given me a clear perception to this very intriguing subject matter. The paper is based more on different reading sources, including online articles.

As for the scope, the paper looks at the domains of public space to define the reasons and implications for the social injustices to women, not pertaining to a certain social or economic class. Dealing with women through the violation of their public space, the mounting and ingenious challenges they confront in their everyday lives to establish their sphere of action can never be archaic. It continues to accentuate the discrimination injustices toward women; discrimination based on gender in addition to ethnicities and religion towards women will be studied.

This is mirrored in a biased and fragile Egyptian constitution, whose rhetoric leads more to the weakening of women, instead of truly empowering them. In this context the paper will address how the different Egyptian constitutions revolved around women's rights and the violation of their public space.

The 1956 constitution was considered as a serious attempt to recognize women's ability and placement in the Egyptian society. With the introduction of the Islamic Sharia law for the first time in the 1971 constitution, equating women's rights with men as part of the Egyptian law was conditioned to the Islamic Sharia law. This became the sacrilege of Egyptian women. Decoupling women's rights from the Sharia was no longer to be undone to our present day. It remains the contradiction inherent in our 2014 Constitution.

Furthermore and to highlight the crux of the paper, both Egyptian constitutions before and after the Muslim brotherhood's rule will be studied. Constitutional amendments made in certain articles concerned with

human rights had serious direct negative impacts on the women in Egypt. Thus encouraging the rift between both genders and demeaning women with the blatant support of the Sharia laws in the backdrop.

As a way out, Egyptian women have to condition their votes on the extent to which political parties integrate their demands within their policy platforms. Egyptian women will need their own political leadership.

## **INTRODUCTION**

In two distinguished parts, this paper will discuss women's empowerment in Egypt under several domains. Constitutionally, sexual harassment and invasion of women's public spaces, the history of feminist theory in Egypt delving through different eras in Egypt. The role of religion and power of Al Azhar as the main Islamic Institution will be discussed shedding light on how many of these issues with social, legal and economic repercussions thread back to Shari'a and the Islamic Laws that govern Egypt.

During Egypt's transitional period of the Moslem Brotherhood women and feminist issues played a major role in diverting the public opinion. Women's public space was constantly threatened and the oppressions of women during this era were exploited to the maximum.

The first part of the paper will analyze the 2014 constitution and the policy space it granted to women after they were instrumental in the 2011 and 2013 revolutions, aspiring to become woven in the fabric of the Egyptian society. The 2014 constitution gives a clear indication of the status of women today; that much of the rights they acquire are often put in doubt by subsequent and accomplished action by the state, the religious institutions, men and women themselves.

**Research Method:**

Secondary data was collected from the library archives, government offices, non-government agencies and supporting institutions.

**Secondary Data**

Researchers assessed and analyzed all other sources of secondary data as evidence to support the findings of this study. All the necessary secondary data that had been reviewed are presented in the literature review.

**I. THE CONTRADICTING ENVIRONMENT PREVAILING DURING THE MBS ONE YEAR RULING:**

It may be useful to address first – though very briefly – the environment, which prevailed in regard to women prior to the drafting of the 2014 constitution. This will enable us to see the difference and the efforts exerted to attempt to give women their rightful place in the society. With many caveats, which we are going to study in some detail in the first part of the paper, women have restored much – though not all – of their previous gains. The 2012 constitution was written in an anti-political climate made by President Morsi on the 22nd of November 2012 to grant himself unlimited authority. This added to the hostile atmosphere in which the process of writing the constitution took place.

The constitution of the MBs era was obviously written without the participation of different political and ideological currents, and this was reflected in the obvious lack of various groups, as well as obvious lack of women who don't belong to the ruling Islamist party. Women were not more than 6% in the Constituent Assembly, which drafted the 2012 constitution. Thus, visions and ideas of Egyptian women were totally missing from the 2012 constitution following the January 25, 2011, revolution. The lack of proportional representation of different ideological currents was frustrating as female members of Freedom and Justice Party were two thirds of the total number of women in the Assembly. Well-known female figures who should have taken part in writing the constitution of Egypt were totally excluded. This is but

an obvious sign of the existence of a discriminatory culture regarding the participation of women on equal foot with men. As a result, the 2012 constitution of Egypt following the Revolution was "for men only".

In the rare articles addressing women in the 2012 constitution, article 10 confined itself to addressing women as divorced, widows and women with dependents, as if Egyptian women are always in need of care ignoring that they are equal partners to men. Women's issues were restricted to traditional moral frameworks according to which patriarchal societies agreed to define women's roles. Thus, there is no mention of the rights of women in the different political and work fields of which articles 11 and the new 53 in the 2014 constitution attempt to rectify. It is notable to say at the outset that 2014 constitution did not come with anything imaginative nor did it attempt to reinvent the wheel, what it did was restoring many items that existed in the 1971 constitution that were dropped in the 2012 constitution, thus restoring women's status to previous constitutions. But it is also significant to add that with the introduction of the Islamic Sharia law for the first time in the 1971 constitution, women's rights as part of the Egyptian law was conditioned to the Islamic Sharia law. This became the sacrilege of Egyptian women. Decoupling women's rights from the Sharia was no longer to be undone to our present day. It remains the contradiction inherent in our 2014 Constitution.

While the 2012 constitution had gone a long way to curtail the rights of women in the society basing its philosophy on the moral role of women and completely ignoring their role as citizens who have the right to take part in public and private life away from moral judgments and sexual and family roles, the 2014 strived to empower women with their rights as equal citizens, though not always effectively.

## **II. THE EGYPTIAN CONSTITUTION AND THE QUOTA SYSTEM:**

Many earnest hopes were attached to the 2014 Constitution that was intended to amend the predominantly Muslim Brotherhood-drafted constitution of 2012. Many even went to believe that the committee of 50 may do away with article 2, the essential text that cites that sharia law is the main source

of legislation. To the disappointment of many, however, Egypt's 2014 constitution did not budge from the original phrasing of Article 2.

It is true that compared to its 2012 predecessor, the 2014 Constitution includes some advances for women; but these are more in appearance than real. As those apparent advances are mired in ambiguous language, leaving women's aspirations in doubt and conditioned to the Egyptian laws. The ill-fated 2012 Constitution aimed to constrain the entire Egyptian society in a straightjacket of Islamic philosophy and teachings. The Brotherhood's unilateral approach resulted in an unprecedented polarization of Egyptian society, which had become bitterly consumed by hatred and discrimination.

High hopes, notably those of women, were quickly dampened when the 50-member 2013 constitutional committee, appointed by President Adli Mansour, did not appear to be much different from the previous Muslim Brotherhood-dominated committee in terms of women's participation. The percentage of women rose a meager three per cent percent, allocating 10 per cent to women and youth, up from seven per cent in the Islamist committee. This proved to be a bad omen.

The committee also failed to amend the constitution so as to grant a gender quota for the national parliament. Although women strongly protested, their demonstrations were supported by very few men, weakening their cause. Women's demands lacked the leverage and community support necessary for their realization.

The omission of the women's quota was justified by the 2012 constitution drafters that all citizens are equal in the political life and no one is entitled for a better treatment pursuant to the law. It was disappointing that the same argument was often used to counter any push to instill a women's quota in the constitution.

Accordingly the amended 2014 constitution should not be judged in light of women's expectations, which were relatively high after women played an active role in the 25 January and 30 June uprisings. Pressured to follow the transitional roadmap's timetable and mandated to amend rather than to revamp the 2012 constitution, the 50-member committee did not give way to enough imagination to capture the true objectives of revolutionary Egypt.

At the same time, however, one should not overlook some intriguing aspects of the new draft, which have the potential to promote women's rights. Unfortunately, they are combined with other articles and language that undermines this apparent progress due to pressure from ultra-conservative committee members. Even the chair of the committee, former foreign minister and former secretary general of the League of Arab States, Amre Moussa had to succumb to the pressures exerted by the one-Salafi member of the Nour party in the committee in the hope of saving the constitution when put to referendum and under the pretext of balance. The draft constitution included several articles on women, of which we are going to look at the most significant ones.

A positive step towards women's political participation at the grassroots level is in article 180,<sup>1</sup> which tackles in principle the local authority and regulates the representation in local councils. The article allocates 25 per cent of seats to women in local councils. Yet this was not a standalone article for women,

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**<sup>1</sup> Article 180: Election of local councils**

Every local unit elects a local council by direct, secret ballot for a term of four years. A candidate must be no younger than 21 years old. The law regulates other conditions for candidacy and procedures of election, provided that one quarter of the seats are allocated to youth under 35 years old, one quarter is allocated for women, workers and farmers are represented by no less than 50 percent of the total number of seats, and these percentages include a proper representation of Christians and people with disability.

Local councils are responsible for developing and implementing the development plan, monitoring the activity's different aspects, exercising the tools of monitoring the executive authority such as proposals, and submitting questions, briefing motions, interpellations and others, and withdrawing confidence from the heads of local units, in the manner organized by law. The law defines the mandate of other local councils, their financial sources, guarantees of its members, and their independence.

as they were lumped in with youth, which were more of the focal point. Article 180 asserts clearly that “... One quarter of the seats shall be allocated to youth under thirty five (35) years of age and one quarter shall be allocated for women, and that workers and farmers shall be represented by no less than 50 percent of the total number of seats, and these percentages shall include an appropriate representation of Christians and people with disabilities.”

Another important step was taken in Article 93,<sup>2</sup> which stipulates that, “The state shall be committed to the International Conventions, Covenants and Charters on human rights ratified by Egypt, which shall become law after publication, in accordance with the promulgation process.” In other words, committing the state to these international agreements should be considered on par with committing the state to obeying the principles of Islamic law, presupposing that there is no conflict between them.

If, however, there is a conflict, the law of the latter treaty, i.e. the international law - in accordance to the Vienna Convention On The Law Of Treaties - should prevail. What is also of essence is that Al-Azhar clergy will no longer be entitled to interpret the principles of the Islamic law, as stipulated by the 2012 Constitution. Only the Supreme Constitutional Court will have this right. This is due to the fact that the committee of the 50 has discarded article 219 of the 2012 constitution, which had defined the aspects of sharia on which legislation will be based. The elimination of article 219 removed the perceived political authority of Al-Azhar from the lawmaking process. Thus helped eliminate possible conflict between sharia and constitutional jurisdiction." This is, however, easier said than done, as law-making authorities remain highly infiltrated with Brotherhood supporters and allies.

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<sup>2</sup> **Article 93: International agreements and conventions**

The state is committed to the agreements, covenants, and international conventions of human rights that were ratified by Egypt. They have the force of law after publication in accordance with the specified circumstances.

In addition it is no secret that the Brotherhood represented in the one-man show in the committee at that time did not resist much the removal of article 219, as it was clearly stated then in the media that the amended 2014 constitution still maintains the essence of sharia and upholds the Supreme Constitutional Court's acknowledgement of its pillars, which Article 219 only reiterated. The removal of article 219 had not reduced the role of sharia law, as this is openly stated and defined in the preamble, something that was missing in the 2012 charter.

In this sense and accordingly implementing Article 93 in favor of women is far from certain. It is no secret that Egypt can always place its reservations on any of the articles, which go against the Sharia law or even refrain from ratifying the treaty in its entirety thus be not subjected to its articles.

Nevertheless, the 2014 Constitution fell short of its true aspirations owing to the fact that the some of the committee's members and its chairman were adamant to win the support of the Salafist Al-Nour Party. To please Al-Nour Party, the committee:

- i. Did away with a parliamentary quota for women;
- ii. Specified a "civilian government" in response to the Salafist representative's categorical rejection of any reference to a "civil state" — a term favored by the liberals and Christians; and
- iii. Restricted freedom of religious practice to those who follow the three Abrahamic faiths.

These three conditions were pushed primarily by the chairman of the 50-member committee to mobilize consensus against the resistance of the liberal and Christian membership. These conditions were a step backward and have undermined the constitution. The basic concept of the 'civilian state' is clear cut and stipulates that the state is neither theocratic nor military. To replace the notion of 'civil state', a recognized and well-defined concept with a so-called 'civilian government' an ambiguous term with no consensus on its definition led to frustration and lack of trust in how this term will be implemented in the future.

Since President Anwar Al-Sadat introduced the phrase “principles of Sharia as the main source of legislation” in the 1971 Constitution, the rights and equality of women in society have been dependent on the interpretation of the principles of Sharia, whether by the judiciary or Al-Azhar clergy, and the whim of the executive branch.

In light of this dynamic, it is imperative to study the 2014 Constitution with more than a pinch of salt. I remain skeptical of the actual impact of the new constitution on women, as the apparent gains will ultimately depend on the implementation and enactment of relevant laws that could reinforce or negate the apparent rights in this constitution.

The absence of a women’s parliamentary quota in the newly amended constitution is **backtracking** on what women had achieved in 1971 constitution and the elections law, as amended in 1979, which introduced for the first time the quota system allocating 30 seats for women as a minimum requirement. These seats were easily lost with the return of the individual system in 1990, only 10 seats were secured by women out of 454 seats, which represented only 0.22% of all lawmakers.

The quota was reinstated in 2010 during the Mubarak regime, guaranteeing 64 seats, but women were unable to win any additional seats. A female representation of 12 percent in parliament was guaranteed and represented the highest level ever then in Egypt. In 2012, the quota was lifted and female representation in parliament was down once again to less than 2 percent despite a record number of candidates that exceeded 900.

In the parliamentary elections of 2015, which took place during October and November, women garnered 73 seats, while 14 were appointed by the president, leading to an unprecedented total of 87 seats in parliament out of 596 seats. Women’s share in parliament today reached 14.59% of the seats, the highest

share of women in the history of the Egyptian parliament, which support those who don't believe in the value of the quota system.

Still, it is up for debate if quotas are the best way to support women's political activity. Women recognize that a quota system is by no means a panacea. But as women activists argue, it can be an essential first step to increasing women's political participation. More and more women are convinced that the quota is the only guarantee for a reasonable assured number of women in parliament and to avoid the wide-range fluctuations, which reappeared over history. Women were confident after their prominent role in the two revolutions that they will be granted a parliamentary quota in the 2014 constitution. The percentage of women's representation in the parliament since obtaining their political rights in the 1956 constitution was kept minimal with the exception of the periods that have adopted quota systems for women.

The current constitution disappointingly does not refer to any types of quota at the national level, even for workers & farmers who enjoyed a 50% quota in the representative councils at all levels since the first Republican Constitution of 1956, after the 1952 Revolution.

### **III. WOMEN'S RIGHTS AS STIPULATED IN ARTICLES 11 AND 53**

First: Of the many articles that specifically impact women is article 11,<sup>3</sup> which counts among the most significant and provides a major example of where the 2014 constitution fails to live up to its

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#### **<sup>3</sup> Article 11: The place of women, motherhood and childhood**

The state commits to achieving equality between women and men in all civil, political, economic, social, and cultural rights in accordance with the provisions of this Constitution.

The state commits to taking the necessary measures to ensure appropriate representation of women in the houses of parliament, in the manner specified by law. It grants women the right to hold public posts and high management posts in the state, and to appointment in judicial bodies and entities without discrimination.

The state commits to the protection of women against all forms of violence, and ensures women empowerment to reconcile the duties of a woman toward her family and her work requirements. The state ensures care and protection and care for motherhood and childhood, and for breadwinning, and elderly women, and women most in need.

promise. It is unfortunate that the article put a mixture of apples and oranges in one basket, ending by diluting its very objective. Titled “the place of women, motherhood and childhood,” the article was originally drafted with the intention of committing the state to achieving equality between women and men in all realms — civil, political, economic, social and cultural. The Nour party influence became then prominent, when the article added artificially that this will have to be done in accordance with the provisions of this constitution, insinuating clearly to the principles of the Sharia.

Furthermore, it is far from clear what are the specific duties and tasks of the state to achieve equality between women and men. The article also obliges the state to ensure the “appropriate” representation of women in parliament, stopping short of identifying a quota system due to the Salafists resistance. An alternative for how to implement ‘appropriate’ is totally missing. This gives rise to the much familiar UN language known as ‘constructive ambiguity’, which makes the operationalization of the article all the more hard to conceive.

The article also commits the state to appointing women in judicial bodies and promoting women in other high-level positions. Due to the volatile situation in which Egypt finds itself today, however, for women to integrate effectively they need the focused support either of a quota or another positive action in order to gain equal representation. Once the situation is normalized, this extra support will no longer be necessary. Had the 50-member committee included an alternative way for a quota to be implemented in practical terms, Article 11 would have been more meaningful and would have had entirely fulfilled its purpose.

Furthermore it is noteworthy that because of the lack of sufficient representation of women in decision making position in general and in trade unions and professional syndicates in

particular, we find that the main job market in Egypt has one of the lowest rates of female participation in the world (23% maximum).

In this context, the status of women in the informal job market should also be referred to. The Labor Law ignores this job market as those who are informally employed don't enjoy social or economic security because they don't have employment contract or health and social insurance that guarantee decent livelihood for them and their families. Women working in the informal job market don't have any legal protection. Studies indicate that the fact that women get wages that are lower than the ones received by men in the informal job market is not merely because of their employment in the lowest jobs. It also reflects gender-based discrimination that laws don't try to fight at all. The 247-article constitution is totally void of addressing this major issue in the Egyptian economy.

This affects the right to organize, as well as issuing laws guaranteeing union freedoms, which could provide opportunities for the protection of female workers in the formal and informal sectors. It is true that the 2014 constitution has granted the right to form political parties (article 73), to establish associations (article 74), to form syndicates (article 75) and trade unions (article 76), however, such rights are much curtailed by laws and executive orders. The work of such organizations and unions is very closely monitored, policed and infiltrated by the state. It is necessary to have greater representation of women in legislative institutions because the laws they produce greatly affect the lives of female citizens, as well as increasing their active presence in trade unions and municipalities. Thus, we find that the Electoral Law and laws related to practicing public freedoms reduces women's chances to take part in political life, and excludes them from the legislative system which reproduces laws that lack the vision of Egyptian women.

This leads to reinforcement of deformed social conceptions about the role of women and their right to participate in the different public spaces. These conceptions take many forms and sometimes lead to violent reaction against women taking part in public political activities like demonstrations and sit-ins, or even enacting laws that are harmful to women and incapable of understanding their social and security realities.

Hence in addition to the changes in the 2014 constitution that enshrines equality between men and women, the new phase we live in require effective steps in order to insure the mainstreaming of gender in the different structures and policies of the state. The constitution represents a necessary condition, but far from sufficient to ensure the implementation of women's rights, equality and freedom. It is incumbent upon the legislative supported by the executive to work in parallel on measures to guarantee the presence of a representation of women and their issues, especially in positions of decision making in order to empower women to exercise their lawful rights in the political life and expand on the spaces available to women on equal footing with men.

We should also create greater representation of Egyptian women from different backgrounds within the Assembly engaging with the actual realities of women as equal citizens and not just as mothers, widows or divorced, merely as dependents. We also have to work on creating mechanisms for the integration of women in public political life so that the political space is sensitive to the realities of women's lives, and policies adopted are consistent with the requirements of this reality.

Moreover, drafters persisted on diluting article 11 even more as they deemed it necessary to add to this vital article issues unrelated to equality between women and men and the promotion of women in the labor market. Issues of motherhood and childhood, which could have well be

drafted as a standalone article in a 247-article constitution, were instead dumped on article 11. Placing these issues in article 11 whose objective was to ensure equality between women and men, clearly undermine the concept of “absolute” equality. This was undoubtedly done in order to appease the Islamists who still believe that women’s rightful place is at home, and their central role is as mothers, hence upsetting the equality concept altogether. In this sense article 11 was transformed from addressing equality in absolute terms to speaking of equality in relative terms, relative to the functions of motherhood. Equality is now linked in the 2014 Constitution directly to women’s status as mothers and to the rights of their children, thus deviating from the message of equality in all realms, including for women who choose not to be mothers, between the sexes.

Second: Article 11 is closely related to article 53.<sup>4</sup> The two may be considered as serious attempts to elevate the status of Egyptian women in the society to fit their effective role and influence. As Article 11 guarantees women the right to hold the highest public offices without discrimination, Article 53 stipulates that all citizens are equal before the law. Throughout much of Egypt’s modern history, women stood side by side; fighting for Egypt and struggling for their own right; their role cannot be overlooked. Article 53 addresses “equality in public rights and duties.” Thus,

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**<sup>4</sup> Article 53: Equality in public rights and duties**

Citizens are equal before the law, possess equal rights and public duties, and may not be discriminated against on the basis of religion, belief, sex, origin, race, color, language, disability, social class, political or geographical affiliation, or for any other reason.

- General guarantee of equality
- Equality regardless of gender
- Equality regardless of skin color
- Equality regardless of creed or belief
- Equality regardless of social status
- Equality regardless of political party
- Equality regardless of origin
- Equality regardless of race
- Equality regardless of language
- Equality regardless of religion
- Equality for persons with disabilities

Discrimination and incitement to hate are crimes punishable by law. The state shall take all necessary measures to eliminate all forms of discrimination, and the law shall regulate the establishment of an independent commission for this purpose.

prohibiting discrimination on the basis of religion, belief, sex, origin, race, color, language, disability, social class, political or geographical affiliation, or for any other reason. Such a provision was omitted altogether from the previous 2012 Constitution.

While this represents an achievement on paper in regards to women's rights, the actual impact will be far from a total ban on discrimination against them. The tendency to lump unrelated issues together in order to dilute rights afforded to women is seen once again in Article 53. Addressing discrimination and incitement to hatred evokes the current polarization of the Egyptian society between Islamists and non-Islamists. The drafters should have devoted an independent article to this dilemma, as it is undeniably the predominant challenge facing Egypt today and for years to come. The article's strong language stipulating that the government shall take all necessary measures to eliminate discrimination is clearly directed towards dealing with this polarization at the expense of other forms of discrimination.

Third: The onus of responsibility in articles 11 and 53 is clearly on the state.

- a. The State shall ensure the achievement of equality between women and men in all civil, political, economic, social, and cultural rights in accordance with the provisions of this constitution.
- b. The State shall take the necessary measures to ensure the appropriate representation of women in the house of representatives, as specified by Law.
- c. The State shall also guarantee women's right of holding public and senior management offices in the State and their appointment in judicial bodies and authorities without discrimination.
- d. The State shall protect women against all forms of violence and ensure enabling women to strike a balance between family duties and work requirements.

- e. The State shall provide care for and protection of motherhood and childhood, female heads of families, and elderly and neediest women.

Although articles 11 and 53 have granted women equal rights and attempted to ban discrimination, these positive aspects have been diluted by the inclusion of other issues. The effectiveness of these two articles is therefore open to debate. Finally, when the 2014 Constitution says “citizens are equal before the law,” it does not specifically protect women from violence and underage marriage, or guarantee their right of inheritance. Will the new constitution and the ensuing new laws protect women from these often culturally acceptable offences?

Nevertheless the two articles and others pertaining to women were hailed by groups and organizations promoting women’s rights and fighting against their oppression. Women felt relieved from the previous reactionary system and the 2012 constitution which totally undermined them and dropped many of their previous constitutional gains. In general, the existing constitution is a most progressive constitution as far as rights are concerned, it has restored many items that existed in the 1971 constitution that were dropped in the following constitution of 2012 and adding to them to reach all segments of the society especially the marginalized ones, including women.

Valid questions, which remain widely open in regard to these two articles are how do articles 11 and 53 relate to the principles of Islamic jurisprudence? And which government entity shall bear the responsibility of implementing those rights, if they were in fact validated by an interpretation of Sharia law?

#### **IV. OTHER RELEVANT ARTICLES**

In other articles where women are expected to benefit, again we encounter language in which the state commits itself to women’s rights but falls short of indicating the type of commitments, the specific

standards, or the mechanisms it is going to use to implement those commitments. How can we overcome these obstacles to enforcing women's rights in Egypt?

Since Egyptian women lack the social solidarity to support and advance their demands, a clever way to proceed would be to form their own caucuses and lobbying groups within political parties, and to condition their votes on the extent to which these parties integrate their demands within their policy platforms. On the referendum day, it was obvious that women overwhelmed men in many polling stations, and that elderly people overwhelmed the youth.

The new constitution affirms on social rights in order to attain a better life for women. Article 6,<sup>5</sup> for example, claims for the first time that nationality is a right to anyone born to an Egyptian father or an Egyptian mother, and legal recognition through official papers proving his/her personal data, is a right guaranteed and regulated by Law. Previous constitutions just mentioned that nationality is a right regulated by law. So it is a progressive article provides safety for women and their children and accordingly confirms that "The family is the nucleus of society..... And The state shall ensure its cohesion, stability and the establishment of its values."

Under Chapter III titled 'Public Rights, Freedoms and Duties,' one can deduct a number of articles that – if even only indirectly – address the public spaces, including those pertaining to women. Articles 65 states, "Freedom of thought and opinion is guaranteed. All individuals have the right to express their opinion through speech, writing, or any other means of expression and publication."

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<sup>5</sup> **Article 6: Citizenship**

Citizenship is a right to anyone born to an Egyptian father or an Egyptian mother. Being legally recognized and obtaining official papers proving his personal data is a right guaranteed and organized by law.

Requirements for acquiring citizenship are specified by law.

Article 73 states, “Citizens have the right to organize public meetings, marches, demonstrations and all forms of peaceful protest, while not carrying weapons of any type, upon providing notification as regulated by law. The right to peaceful, private meetings is guaranteed, without the need for prior notification. Security forces may not to attend, monitor or eavesdrop on such gatherings.”

And article 81 obligates the state to guarantee the social, cultural, entertainment and sporting rights of people with disabilities and to equipping public utilities and their surrounding environment to accommodate their needs.

Taken together, these three articles provide somewhat limited guarantees for the use of public space, limited because public assembly requires prior consent from the authorities according to the new law. However, they do not guarantee access to public space for all residents, particularly its vulnerable groups of women, children, the disabled and refugees. The Egyptian constitution does not address the privatization of public spaces nor does it recognize the necessity of public space in promoting a culturally diverse and accepting society. Such shortfalls and the lack of recognition of cultural diversity affect women in particular.

Women’s rights in the new constitution includes various principles: equality, political rights, protection from all forms of discrimination and motherhood; as well as the rights of the disadvantaged women and breadwinners. It also affirms on her rights in the daily life in work and with her family. Hence it is safe to say that the new constitution tackles women’s rights from the ground. Attaining this socioeconomic empowerment of women as a strategy was meant to lead to political empowerment in different state offices. One of the important reservations is its length in details, which resulted in its weakening and dilution. In contrast to the 2012 constitution which was addressing one segment of the society, the desire to satisfy all in the 2014 constitution was given primacy. This, however, came at the

expense of the drafting of a readable constitution and accessible to the laymen. It ended by including many parts that are meant to be covered by laws.

However, it would have been unrealistic to force the drafting committee to take example of the 7-article American constitution with just 27 amendments over the years, giving the American people the advantage of referring themselves to the constitution in knowing and defending their rights and obligations.

Finally, there is a general feeling of accomplishment since the constitution is the first step in the implementation of the road map towards democracy that was set up after the revolution of June 30th, 2014, despite of all the challenges. The right to public space is not recognized explicitly in the 2014 constitution or in previous constitutions. However, there are several articles that support fundamental rights that are necessary for the free and open use of public space. The annex at the end of this paper will provide a detailed analysis of some of the crucial articles amended in our Egyptian constitution pertaining to women's rights to give the reader a clearer view of the impact of each amendment.

## **V. NOTIONS OF NATIONALISM, PUBLIC SPACES AND WOMEN IN EGYPT**

Building on the argument above, we now move to the topics of women's public spaces and feminist notions of nationalism in Egypt. When participation of women in communities is discussed, the terms "public space" and "private space" are usually used. This paper tries to present a general framework for the definition of both in order to be able to look into the policies and frameworks adopted by the state to govern the two spaces and how they directly affect women. It could be said that the idea of the public space was born in the heart of political modernism as the concept of the public space is considered one of the branches of modern thought which headed to the establishment of democratic societies based on circulation of power, freedom of thought and expression and freedom to organize. We can understand the public space as the field in which participation is activated. It is the space in which individuals and groups gather to discuss things that matter to them, and thus could be considered the main space in which public opinion, made of

various opinions and factions, is formed. In other words, the public space is supposed to be a free space that is not confined to one faction. It should be a place for human gatherings and collective participation in which political and social rights and duties of citizens are equal. Nevertheless, the dynamics of public space may not be understood except through the understanding of two other spaces which are the space of the public authority and the private space.

Actions in the public space are controlled by the general laws of the state which are supposed to work for guaranteeing the security and safety of individuals participating therein without interference in their private affairs. On the other hand, the public space is based on individuals and groups the main part of their intellectual patterns and value systems is formed in a separate space which is the private space. In light of the concepts in use, the private space is not outside the reach of the state or outside the scope of its sight. It is actually governed by strict laws whose provisions are taken from principles of Islamic Sharia. This set of legislations involves a myriad of religious opinions which belong to different Islamic schools.

Definitely, the private space is precisely represented in the institution of family and marital relations controlled by family laws about which there was a year-long conflict among legislators, human rights activists, feminists and female activists for it to be changed and made more equitable for Egyptian women and more empowering for them as citizens who enjoy all their personal and marital rights, in addition to pushing for the adoption of laws that protect equality and human rights. As long as the private space is the primary space in which intellectual patterns and social upbringing of individuals are formed. It is the space that puts a framework for their interactions and discourse in the public space. Moreover, the private space is often the primary space from which women derive moral and family support which is an important factor in defining their chances of working and becoming active outside the scope of family and household, and specifically their chances of engaging in political activism. In this context, the private space becomes one of the most important dimensions in the understanding of experiences and obstacles for political activism for women in Egypt.

Thus, there is evident overlap between the public and private space on one hand and the space of public authority on the other hand. We find that the three spaces are in continuous interaction with one

another. The status of women in the public space may not be analyzed separately from an understanding of the characteristics of this dual relationship. The Egyptian case, like other authoritarian regimes, dictates a more sophisticated view of the theory of public space as one of the main characteristics of state apparatuses is that they control the spaces in which the citizens move and interact whether they are public or private. As evident in the case of Egyptian politics, the public space is getting besieged and restricted.

The Islamism groups elected did not have the political willingness to create wider, more open, and more equitable dialogues and spaces in order to ascertain the right of different political factions to present and discuss their ideas and mechanisms of work. Thus, the public space became monopolized by one faction and turned into a stage for authoritarian conflicts between different groups of people with different attitudes instead of being a free space in which discussions, intellectual activities and different ideologies are formed.

Similarly to the restriction of the public space, the laws governing the private space about which feminists and women's groups and organizations fought long battles through which they managed to change some laws (they will be referred to in the paper) have been the subject of clear attack with the purpose of passing discourses which increase the control of women's chances in education, work and living in a family environment in husbands and wives are equal. Achieving such equality makes women capable of finding greater freedom to engage in public activism as citizens who have political rights and responsibilities in their communities. One of the most important approaches to understand this process of interaction may be via understanding the relation of women to the public space. Studying such relation reveals the interactive relationships between cultural patterns, political alignments, and legal disagreements as part of the social and political reality and mobility in which women of this country live.

There is no better example to demonstrate the violation of public spaces of women in Egypt and show the feminist discourses of nationalism in Egypt other than discussing the Egyptian society's encroaching cancer called sexual harassment. Sexual harassment and other forms of sexual violence in public spaces are an everyday occurrence for women and girls around the world—in urban and rural areas, in developed and developing countries. Women and girls experience and fear various types of sexual violence in public spaces, from unwanted sexual remarks and touching to rape and femicide. It happens on streets, in and

around public transportation, schools and workplaces, in public sanitation facilities, water and food distribution sites and parks.

This reality reduces women's and girls' freedom of movement. It reduces their ability to participate in school, work and public life. It limits their access to essential services and their enjoyment of cultural and recreational opportunities. It also negatively impacts their health and well-being. Although violence in the private domain is now widely recognized as a human rights violation, violence against women and girls, especially sexual harassment in public spaces, remains a largely neglected issue, with few laws or policies in place to prevent and address it. Sexual violence in public spaces is an everyday occurrence for women and girls around the world – in urban and rural areas, in developed and developing countries.

Women and girls experience and fear various types of sexual violence in public spaces, from sexual harassment to rape- whether on streets, public transport and parks, in and around schools and workplaces,, or in their own neighborhoods. This reality reduces women and girls' freedom of movement denying them the same opportunity and rights to the city as men and boys enjoy. It reduces their ability to participate in school, in formal or informal employment, and in public life. It limits their access to essential services, and enjoyment of cultural and recreational opportunities. It also negatively impacts their health and well-being. Public spaces are the “front porches” of civil society, social spaces that are open and accessible to the public such as roads, squares, parks, and beaches. How people use public space contributes to the creation of a city and neighborhood narrative. Egyptians do not have the right to public space in law and only started to reclaim it in practice since 2011. Egypt's dense urban areas are in desperate need of more public spaces, especially in the informal areas of the city to socialize, express opinions and ideas, or to simply take refuge from the fast-paced life we all lead. The need for open, accessible public spaces is necessary for sustaining the public spirit that dominated Egypt during the 2011 Revolution. For decades, the State has depended on the control of public spaces to maintain security and “order,” a practice adopted wholesale by the current regime, best exemplified by the new “The Right to Protest” Law that restricts the freedom of assembly and protests without the prior consent of authorities. The law differs from global counterparts that require prior notification of the state and not prior consent to organize a peaceful protest.

Public space should be used as a forum of public expression and idea exchange even when individuals or groups disagree with each other or with the state. Peaceful rallies and protests are legitimate uses of public space. It is through this use of public space that people can gain recognition and legitimacy for their social, economic, and political demands. Public parks have the potential to be one of the most inclusive public spaces; free of charge, no membership required, open to everyone, citizens and visitors alike, people from different ethnicities, socioeconomic backgrounds, political/religious affiliations share the green space and peacefully coexist. Much like a neighborhood café, public parks organically create a community of regulars, as well as the occasional visitors, among whom a social contract is created. Limited accessibility to public space increases the social divide within a city, where only those who can afford it get to enjoy leisure activities in “fortified” semi-public spaces in gated communities, sporting clubs, amusement parks, shopping malls, etc.

Public green spaces where people can freely and comfortably enjoy the city are extremely limited in Egypt, especially Cairo, and as a result there is a great demand for them among residents. Statistics show that Cairenes have 0.8 square meters of green space per capita (sqm/cap). Al-Azhar Park in Cairo – built by the Aga Khan Trust for Culture – illustrates the demand for green space perfectly. The park is popular with Cairenes from different walks of life and socioeconomic backgrounds and is one of the few spaces in the city that attracts such a diverse base of visitors. Despite having an entry fee, which some may say excludes it from being a “public” space, in a city where most leisure activities and spaces are exclusive to certain classes of society (private sporting clubs, clubs for professional syndicates, army/police personnel, etc.), Al-Azhar Park offers people in the city 30 hectares of green space and facilities that is open to anyone as long as they can pay the modest entry fee. The Park’s popularity is indicative of the great demand for quality public space in our cities. Vibrant and publicly accessible spaces are indicative of a city or nation in which the public has a say in land use decisions. Instead of working with communities to decide how to use available land in dense, urban areas, the Egyptian government often gives preference to private developers and, in general, there is a lack of transparency and accountability in government decision-making in this regard.

Privatizing leisure spaces excludes certain activities or people as the profitability of the space takes priority over its social and environmental functions. For instance, the vast majority of waterfronts along the Nile are inaccessible to the general public; they are upscale restaurants and hotels, or clubs for professional syndicates (judges, engineers, doctors, etc.), or army and police personnel. This prevents the majority of the public from enjoying this national resource. Outings along the Nile bridges are sometimes the only way to enjoy the river free of charge, since sidewalks with even a view of the river are also surprisingly rare. Exclusion from public spaces is not only due to privatization, but also because these spaces are not adequately developed. An empty lot that is fenced off and disinviting with no seating, shade, lighting, and limited accessibility for the disabled discourages public usage. Any resident or visitor to Cairo is familiar with the green metal barriers surrounding most public spaces, squares and main roads that instill a sense of entrapment and not belonging and create an “implicit code of inclusion and exclusion.”

Women are particularly vulnerable to being excluded from visiting public spaces due to increased sexual harassment and perceived danger. According to a UN Women study in 2013, 99.3% of women in Egypt experience sexual harassment, with the incidents increasing in number and severity during holidays. Public spaces are further limited by the fact that government officials often appropriate public spaces of historical significance for tourism, commodifying the space, and even occasionally restricting access to citizens. Protecting historical sites and promoting tourism are important, but conservation and public use are not mutually exclusive and a balance between the two should be negotiated. The deterioration of public spaces is a result of poor management and increase of uncontrolled vehicular traffic on the expense of green and pedestrian spaces. The poor management is strongly linked to the complex administrative system that is responsible for public areas; where one entity is responsible for collecting waste, another for sewage management, a third for road infrastructure, a fourth for lighting the streets, and it goes on. This would be fine if any of these entities communicated with each other and coordinated their efforts, instead of what happens more often than not; a street is repaved only to be excavated to install gas pipes.

The prioritization of private vehicular transportation has also done a great deal to restrict the amount of public space in the city. The quality and usability of public spaces is closely tied to shifting city planners’

priorities from vehicular traffic to bicycle and pedestrian mobility as well as providing a widely accessible public transportation system that can reduce the need for public space to accommodate automobiles.

A prominent factor in diminishing or increasing public spaces around women is the issue of the veil. I would like to begin this section quoting Göle, “*Women’s visibility, women’s mobility, and women’s voices are central in shaping the boundaries of the public sphere*” (Göle, 61, 1997)

Historically, the hijab has not been entirely controlled by religion, but by the State. During their reign in 2011, the Muslim Brotherhood’s attempt to combine a broad reform agenda with a specifically religious vision has caused confusion and contradiction on issues relating to gender and the family. As a result, the Brotherhood coalition has been preoccupied primarily with defending the religious rights of Muslim women—such as the right to wear the hijab and nikab protesting against government-introduced legislation “incompatible” with Sharia requirements, of course from their point of view. After all interpreting religion in any State according to “Sharia” depends on the perspectives of the rulers rather than the Holy books themselves. Brotherhood leaders have generally resisted calls for a greater role for women in public life, but they have grounded their opposition in fairly cautious terms.

One important point of argument between those supporting the June 30th, 2013 coup, and those against it, centers on the position of women and how Egypt’s short-lived Islamist government under President Mohamed Morsi, sought to roll back the legal gains that Egyptian women had made in the past decades. Supporters of the June 30<sup>th</sup> coup often singled out women (along with Egypt’s Coptic minority) as groups that stood to lose most if the Islamists remained in power. The actions undertaken by the Muslim Brotherhood-led government seemed to lend strength to this argument. The 2012 constitution lacked any mention of gender equality, referring vaguely instead to “equality and equal opportunities for all citizens, men and women.” (Egyptian Constitution, 2012) Furthermore, issues like FGM would not be eventually recognized as a crime under the constitution they drafted. While this was seen by some as indirectly referring to legal equality between the sexes, many women’s rights advocates saw it as the worst Constitution in Egypt’s history regarding gender quality, since it was literally silent on the issue. Public

debates on the 2012 Constitution and whether it represented a continuation or a break from earlier constitutional traditions in Egypt, echoed earlier debates on women's status stretching all the way back from the 1920s and 1930s. According to historians writing on this topic, debates on state feminism in Egypt ended in a conservative approach to the question of women's presence in the public space, and in a continuous avoidance of the thorny issue of the state's responsibility in promoting gender equality in the private sphere, resulting in giving a chance for issues like harassment to thrive in the recent years (Piquemal, 2015).

As a result of the Brotherhood's campaign against women's rights, a new popular dialogue articulating the flexibility of women in the face of increasing attempts by the Brotherhood to restrict their rights, began to rise heavily in the Egyptian media. In the lead-up to June 30<sup>th</sup>, 2013, the media in Egypt began to continuously attack what they perceived as the threat against women coming from the MB, and celebrate the resistance of Egyptian women to this rival. This discourse began to gain momentum in the midst of the organization efforts against Muslim Brotherhood rule. Visions of women's liberation from Islamic rule, which is a broad logic that was only prevalent among secularly-inclined intellectuals, has become more popular and tied to hegemonic visions of state control, which in effect represents military control (Piquemal, 2015). The emergence of the collective figure of Egyptian women consistently supporting the military in the run-up to June 30<sup>th</sup>, 2013, involved images of women from all classes and areas of Egypt (Piquemal, 2015). The idea of presenting women from all walks of life, seemingly united in their view of the dangers that the Muslim Brotherhood represented to all women in Egypt, began to appear as a common feature of both televised and online media outlets. Feminism and protecting women's rights or at least not losing whatever rights remain in Egypt was used very well in El-Sisi's campaign. Issues of women's rights and media exposure have proven to give substantial power in turning tables in the State. And sure enough the 2014 Egyptian Constitution successfully rectified many of the articles that were thought to be against both women and human rights.

Another aspect of the hijab is in how it looks, this differs across the different Islamic countries in the Middle East where each has different commandments on how women should wear the hijab (Bullock,

2010). The Islamic Republic of Pakistan does not require wearing the hijab, but in the Islamic Republic of Iran, even tourists are required to cover hair up. Both of these countries are considered Islamic; however, their governments determine the restrictions on women's clothing (Blakeman, 2014). Thus in all "Muslim" countries by law in this definition do not mandate wearing the hijab as equally as others. Interestingly enough in the Muslim country of Turkey, for more than 85 years Turks have lived in an officially secular state founded by Mustafa Kemal Atatürk, who rejected headscarves as backward-looking. Scarves are banned in civic spaces and official buildings, but the issue is deeply troublesome for the country's predominantly Muslim population, as two-thirds of all Turkish women - including the wives and daughters of the prime minister and president - cover their heads. In 2008, Turkey's constitution was amended to ease a strict ban at universities, allowing headscarves that were tied loosely under the chin. Headscarves covering the neck and all-enveloping hijabs were still banned. In October 2013, Turkey lifted rules banning women from wearing headscarves in the country's state institutions - with the exception of the judiciary, military and police. Enforcing the seemingly religious practices yet preserving free will for women contradict in a lot of countries. It is a similar struggle to women who wear the hijab yet strive for women's rights. However, a lot of these women aim to acquire the "right" to not be judged or labeled for wearing it and others disregard it completely since they are totally convinced that wearing it is a necessity sent from God and does not contradict with their work in the feminist field (Abu-Lughod, 2002). The reasons women wear the hijab varies considerably though. In Islamic countries, as per the religious interpretations, women start wearing the hijab as they hit puberty. Being a good Muslim is an important part as to why a woman wears the hijab. Some women believe that not wear it seems to indicate a bad Muslim and they wear the hijab out of obligation. The veil forms a Muslim identity for a woman. Wearing the traditional Islamic dress allows a woman to reflect her commitment to Islam and connect her to the Muslim community (Blakeman, 2014).

Furthermore, the Islamic revolutionary movements in countries such as Iran and Egypt employed the hijab as a tool of protest against colonialism by confirming traditional values. The hijab came to stand for the retrieval of cultural and religious "purity." Just as Europeans had engaged in the stereotyping of Muslim women as the oppressed exotic other, 19<sup>th</sup> century Muslim men stamped European women as the

evidence and source of Western immorality. Therefore, in many ways, the reclamation of the hijab arose in response to the perceived immorality and sexually corrupt behavior of uncovered “exposed” Western woman. However, across the years several notions straying away from that conformity have risen.

Some women feel a social pressure to conform to wearing the veil in order to maintain their public reputation. In many social levels in Egypt it has become a label of “acceptance”. Policies of shame and being shunned from the family can be easily avoided by wearing the hijab. Social and peer pressures within a women’s society, mostly in lower to middle classes, can indirectly force the hijab on to her to gain new found levels of respectability and sometimes even more freedom to roam within the public spaces around her with little or no feelings of guilt or shame from the community or God. There is this growing feeling among Muslim women that they no longer want to associate with the West and their style of clothing, and the hijab is what sets them apart and confirms their Muslim identity.

While a lot of the western societies may see the hijab as a symbol of oppression and patriarchal rule, Muslim women see the hijab as a symbol of pride and unique culture. This clearly defines their identity and allows them to wear their hijab with pride (Blakeman, 2014). Solidifying this notion socially conveys ideas of informal coercion in Egypt. Furthermore, it’s also sometimes used as a “behavioral check” on a woman. By wearing the hijab she is not tempted to do things that would be outside the moral standard of the Islamic faith. The hijab functions as a reminder or behavioral “brakes” that women need to guard their behavior so that they please God. It also prevents bad conduct like trying drugs or drinking alcohol which are strictly forbidden in Islam. It is also a reminder for a woman to not go to places where sexuality is on display, for example, to night clubs.

Women monitor their behavior when they wear the hijab because they are representing Islam to everyone else. It is regarded as a tool of pride to a lot of women who wear it rather than a means of oppression. Women may wear the hijab to facilitate their movement in the public sphere, but in doing so they subscribe to the notion that this space belongs to men. They must adjust their dress to avoid criticism, unwanted attention and even sexual assault. Yet contrary to the claims about protection, the hijab has actually become a symbol of eroticism in certain contexts (Göle, 1997). Ironically so, the latest harassment

map in 2013 by The United Nations Entity for Gender Equality and the Empowerment of Women reported that out of 99.3 % of harassed women, only 2.1% were harassed because of inappropriate dress codes in Egypt (Harassment Map in Egypt, 2013).

By wearing the hijab, women accept responsibility for their own sexual victimization, instead of placing the blame squarely on their potential attackers. They must broadcast their honor, moral integrity and religiosity at the expense of their sexual agency which I believe encouraged harassment in Egypt and coagulated concepts about placing the blame on the woman, further victimizing women. The values that define proper Muslim womanhood require a denial of sexual identity, while granting men the privilege of an unquestioned overactive sexuality (Diffendal, 2006). Muslim women must not only adhere to the parameters of a sexuality laid out by men, but must loyally defend it if they are to receive any degree of autonomy. In fact, oddly enough and due to severe sexual deprivation cultures in Egypt, Muslim women are often the first to criticize a woman for overt displays of sexuality. There are some harassment cases where complaint come from women harassing women for dressing “differently” (Harassment Map in Egypt, 2013) (Blaydes, L., & Gillum, R., 2013).

Because Muslim cultures uphold modesty and obedience as the highest virtues of womanhood, women will inevitably desire to represent these ideals to achieve status and respect (in theory the ideals of modesty and obedience apply to both women and men; however in practice, women are subject to them far more strictly). And this is exactly how social control works, through the colonization of desire and will it not only coerces individuals, but redefines such coercion as freedom and choice thus denying individuals to see the control they are subject to, and making them instruments of their own oppression (Diffendal, 2006). That some women vigorously defend the hijab as their own choice does not mean their choice somehow occurred in a vacuum, free from coercion. Social norms and extreme interpretation of the religion contributes dearly as a form of indirect coercion.

On a political note, it's worth mentioning that after Ex-President Morsi's ouster in July 2013 after nationwide mass protests against his rule, and the ensuing crackdown on Islamists and much of their media, have ended that “Islamatazation” rhetoric, paving the way for secular voices. Shortly after, writer Cherif

Choubachy called for a demonstration in which muhajat women would take off their headscarves, arguing that the hijab is the result of oppression and backwardness with no solid religious command. His proposed protest stirred up controversy, with some voicing support and others objecting to the call (Tarek, 2015). The positive side about this step is that such an idea could have never been proposed nor adopted by neither the media nor the society at any point before and especially during the MB reign. And in truth, effective firm law enforcement against family abuse should be considered for radical changes in these cases rather than arranging a protest to remove the hijab (Merry, 2003). Ultimately law colonizes subjects, it is there to control lives. Sharia is a most vivid example of this. It is “God’s” law, a very powerful non-negotiable tool. After all, in the Egyptian culture, it is not seen as a removal of a garment, it is seen as a removal of morals, religious virtues and bringing shame and dishonor to families. It is the methodology of linking the female body to honor and religious virtues that encouraged this culture to thrive in the Middle East. It is still socially and more importantly religiously unacceptable for a daughter to formally attempt to imprison her father or brother for physical assault even though the law exists in theory. Hospitals are still not forced to forward reports about any suspicions on abuse cases they might receive. Substantial changes must happen in this domain before calling for movements to take the hijab off.

On the other hand, protesting against certain attire seemed highly discriminatory to some. And recently there have been several cases reporting discrimination against allowing women wearing hijabs to enter certain places like nightclubs and pubs serving alcohol. The notion seen was that they were being treated like pets where some signs said “no pets allowed”. The women who complained simply stated that wearing the hijab does not necessarily mean drinking or dancing is prohibited and choosing a certain type of clothing is deemed “free will”. Accordingly, there would be no grounds to not allowing women in hijab to enter certain places.

But then I ask myself at this point, if a woman is wearing the hijab out of supposedly religious reasons and not conforming to society’s judgment or to gain “free passes” in wider public spaces or to attain certain levels of respect and virtue as I assume in this research for some women, then why would such a religious, virtuous woman want to drink and dance when clearly Islam is against that? This is a

paradoxical thought to me. However, I do agree that it is discriminatory to not permit a women to wear the hijab nor to prohibit women with hijabs to enter certain places, and it is also unconstitutional, but it only proves my point that the hijab is sometimes worn to conform to traditions, social norms and gain more freedom and wider access to public spaces dominated by men mostly while “covered” rather than reasons of being modest, religious or virtuous. In Egypt, it gives social, ethical & moral privileges to the women bearing it.

Talking about the effects of gated communities on women and public spaces in Egypt, we see that the expansion of gated communities began in the early 1980s along the beaches of the Northwest coast as holiday villages. Gated tourist villages spread along the coast of the Red Sea and the beaches of Sinai. Since the mid-1990's a similar development has been observed in the new cities around Cairo. Private investors have been establishing luxurious gated settlements in the new cities for the elites who wanted to delink themselves from the capital city's problems. Egyptian gated communities are dominant reflections of the progressive trend towards privatization of housing and urban services. GC's have privatized public spaces such as streets, parks, squares and services by allowing only residents to use them. It includes private property and common private property that is collectively used. Egyptian gated communities represent the socio-political result of economic "neoliberalization" (Morsey, 2012).

The concept of gated communities is a new urban trend that grows fast in the new towns around Cairo. Living in private enclosed compounds has recently been associated with a distinctive and elite lifestyle. The trend in gated apartment complexes for the middle and upper middle classes has gradually increased and has greatly contributed to the possibility that renters will live behind gates. In the early 2000s, many GCs have been constructed and were spreading very fast all over the city which was a result of selling large plots of state-owned land to the private sector and investors. More than forty luxury gated communities were established within the city with different masses, styles and areas.

Applying a gender perspective to GCs reveals how women's public spaces have drastically been altered versus living in the older authentic neighborhoods. The constant attempts to limit women's public spaces and confine her ability to migrate from the rural to the urban or provide employment opportunities

in the urban equal to men has shaped up the forms of urban development across the years in different regions. How the urban has become more welcoming or not to women is studied in the contemporary urban theory. Associating the study of urban development with gender sheds light on many feminist issues in this regard. The questions of women's accessibility to public spaces and discourses about safety can be researched through several angles into the context of GCs. From Harvey's text titled "*The Right to the City*", he defines the right to the city as being far more than the individual freedom to access urban resources: it is a right to change the city inhabitant's behavior by changing the city itself. It is moreover, a common rather than an individual right since this change certainly depends upon the exercise of a communal power to reshape the processes of urbanization.

The urban process has undergone a global transformation of scale. Quality of urban life has become a product, so has the city itself, in a world where consumerism, tourism, cultural and knowledge-based industries have become major aspects of the urban political economy (Harvey, 2008). The right to the city is too narrowly limited, restricted in most cases to the small political and economic elite who are in a position to shape cities more and more after their own needs.

Moving on the linking the above arguments with notions feminist nationalism, we delve into the crux of the paper which resides in this segment where several sources describe how across history women's rights were debatably used through the different agendas created by the men of state (patriarchy) to comply with a nation's nationalist purposes. How different parts of the world resisted change or encouraged it in terms of women's rights to comply to certain political agendas with intentions of returning to male-dominations soon after the nation's political agendas are fulfilled. From Kandiyoti, in the chapter titled "*Identity and its Discontents: Women and the Nation.*" it's evident how the purpose of the paper was to explore some contradictory implications of nationalist projects in post-colonial societies. Feminism is used here to comply with political agendas. It has an expiry once a nation's goals are accomplished. There is no intent for longevity to begin with. Women bear the burden of being mothers of the nation (a duty that gets ideologically defined to suit official priorities), as well as being those who reproduce the boundaries of

ethnic/national groups, who transmit the culture and who are the privileged signifiers of national difference (Kandiyoti, 1991) .

More specifically, recognition that the integration of women into modern nationhood by citizenship in a sovereign nation-state, somehow follows a different path from that of men. In the text there are two main forms of patriarchy discussed. The private patriarchy is based on the relative exclusion of women from arenas of social life other than the confines of the home. Public patriarchy is based on employment and the state: women are no longer excluded from the public arena. The middle east is yet struggling for the flourishing of the latter in most of its communities. National projects of “modernizing” states may seem to introduce a tug-of-war between both patriarchies. The veil was taken as a symbol of nationalism over anything else and the encouragement to keep it or lose it was perceived as yet another accomplishment for men of state, like a new industrial endeavor (Kandiyoti, 1991). A photo of an unveiled woman was not much different from one of a tractor, an industrial complex, or a new railroad; it still merely symbolized yet another one of men’s achievements. In countries like Egypt, where the most noticeable form of cultural nationalism is Islamic, the feminist discourse can legitimately proceed only in one of two directions: either denying that Islamic practices are necessarily oppressive or asserting that they are not Islamic to begin with.

The second depends on a golden age myth of an uncorrupted original Islam against which current discriminatory gender practices may be denounced as actually not Islamic. This is where evidently the definitions of nationalisms varies for women & men. Secular notions of modern nationhood subordinate and sometimes seek to destroy alternative bases for solidarity and identity. Wherever women continue to serve as boundary markers between different national, ethnic & religious collectivities, their emergence as full-fledged citizens will be jeopardized, and whatever rights they may have achieved during one stage of nation-building maybe sacrificed on the altar of identity politics during another. Women may be controlled in different ways in the interests of defining & preserving the identities of national/ethnic collectivities. Similarly, Muslim societies do not normally condone their women marrying out of faith for example, although no such strictures exist for men since Islam is transmitted through the Male line.

Religion interpreted & relayed by men of political power to the world since its emergence. The contrast between personal and secular law also persists throughout the Arab world, irrespective of the nature of the political regimes of specific countries. Family and personal laws generally derive from the Shariah, even when other legal codes are secular. Most modern states in the Arab world have nonetheless made attempts at legal reform in the areas of family and personal law. Although they remained within the framework of Islamic law, they sought to expand women's rights. Some successor regimes seem to have reversed what appeared as the steady expansion of women's rights in the early stages of nationalism by adopting "Islamisation" programs. This approach is most clear in Iran & Pakistan, where Islam is incorporated into official state policy. Women's rights must never contradict with nationalist agenda & religion is the best excuse to ensure this. The integration of women into nationalist projects has been rich in paradoxes and ambiguities in most post-colonial societies. Reformers often engaged in a selective process of backward-looking nationalism in search of indigenous models to legitimize women's emancipation.

The main argument in this paper is that the regulation of gender is central to the articulation of cultural identity and difference. The identification of women as privileged bearers of corporate identities and boundary markers of their communities has had a deleterious effect on their emergence as full fledged citizens of modern nation-states. This is nowhere more evident than in the fact that women's hard-won civil rights become the most immediate casualty of the breakdown of secularist projects. A common language of identity which allows for difference and diversity without making women its hostages should be searched for instead (Kandiyoti, 1991). On this topic it's rather intriguing to see how women who decide to join ISIS are seen as too futile and weak to be perceived as a national threat versus men who do join ISIS. Women are less likely to be seen as dangerous or 'up to something', and so can serve as escorts for men or messengers for men who are sequestered inside houses. Similarly, women are often more successful at recruiting support for nationalist efforts because they are seen as less threatening and militant. And another typical point raised in all of the readings, highlighted here as well, is how a nationalist movement that encourages women's participation in the name of national liberation often balks at feminist demands for gender equality.

Feminism is used to carry out a nation's agenda. Once the purpose is served, it's back to male-domination. Algeria is a good example of that. Patriotic notions across history of how this is used are astounding. The typical abuse of feminism for political benefits then betrayed by the nation itself once the purpose is served. Several readings delve into the never-ending dilemma of implementing the Islam in a nation and how it very vividly contradicts with any & all women's rights trying to apply the sharia law. There is no clearer example of the politics of dress and demeanor than the politics of the veil in Islamic nationalism. The veil is a localized matter. It's national (much more than religious) purpose reflects the culture of the nation promoting or even forcing it. Many of these women assert that such dress is their preferred choice. They argue that being veiled is liberating, since the veil shields them from the sexual gaze of men, and allows them to be a person, not a sex object – a status unavailable to Western women. Other veiled women have taken up the veil as a symbol of nationalism in anti-Western, anti-colonial, or anti-imperial rebellion against Western-allied regimes who outlawed the veil. For other women, veiling is a means of signifying their discontent and protesting their loss of economic and social position as a result of urbanization and industrialization.

Finally, for other, often immigrant, Muslim women, the veil represents a barrier against assimilation. Many veiled women, however, including many once in the second category, resent their lack of choice in wearing the veil, and bitterly complain that what was once an act of defiance against a corrupt government or occupier is now used by their own men to control and oppress them. Then there is this debate about notions of honor. Honor is seen more as men's responsibility and shame as women's . . . honor is seen as actively achieved while shame is seen as passively defended'. It is not only Third World men whose honor is tied to their women's sexuality, respectability and shame.

The text by Baron, Beth titled *Egypt as a Woman: Nationalism, Gender and Politics* takes on the historical emergence of nationalism and women's rights starting from the Ottoman period up till the 1940's. It begins with how women were not allowed to attend the national ceremony celebrating the sculpture of a peasant woman lifting up her veil symbolizing the 'Awakening of Egypt' in 1919; a rather interesting contradictory incident to the occasion itself rendering a lot to think about the meanings to what women

represented in a nation at that time in Egypt. This article explores the connections between gendered images of a nation and the politics of women nationalists. It starts with the making of a nation in the nineteenth century and ends with an eclipse of a generation of political activists in the 1940s. Issues about implementation of the sharia, banning slavery while proceeding with caution with harems were discussed and how male women activists promoted the “mother figure” of women in Egypt allowing them to participate in the building up of the nation demanding for better education as “mothers’ of the nation. Also in this piece, the common point of abusing women to fulfill political agendas then completely shunning them again aside, like not granting full citizenship once certain nationalist goals has been achieved (Baron, 2005). Also male domination struggles for power are discussed and how once in power, women’s energies are exploited only to fulfill men’s agendas then the ground rules for women’s engagement in a nation suddenly shifts. Then finally the “Women question” is discussed and how it cannot be divorced from transformations in Egyptian society. Religious & secularly-oriented nationalists used the “Woman Question” as the field upon which they pitched their battles over the content of Egyptian nationalism. Which is a common point discussed in all the readings as well. And the concluding notion was regarding the “motherly image” of women in Egypt. Again fertility representations are used to allow some “maternal authority” to women in the society; them being the “Mothers of the Nation” giving authority to engage more openly in society & politics.

The “woman question” became a front line in the struggle among Egyptians to define and defend a national culture. Female activists became “mothers of a nation” with a special nurturing and protective mission (Baron, 2005). Just as ideals about women's and family honor influence ideas about the nation, ideals of masculinity play a role in shaping the nation and are in turn influenced by nationalist ideologies. The question of masculinity may also be relevant in explaining why male politicians shied away from recognizing women's political rights in post-independence Egypt.

When asking why defining nationalism differs according to gender in Egypt we see that our country has one of the longest and most varied feminist traditions in the Middle East. Early feminists tended to be from the urban upper class and were primarily concerned with personal freedoms for women and the

nationalist movement (Badran, 2005). Analyzing the relationship between feminism and nationalism in postcolonial societies, studies have pointed to how the contrast of nationalism and imperialism in such societies led to a ‘cultural competition’ around Eastern/Western constructions of womanhood. Other studies have argued that the connection between gender and sexuality makes nationalism the vehicle through which ‘masculine prowess is expressed and strategically exercised’, and ‘women’s agency in service to heterosexist nationalisms’ pulls women towards ‘masculinist strategies’. However, historically in Egypt, women used nationalist language to exercise their own agency by challenging existing patriarchal standards, negotiating new roles for themselves, and attempting to strike new patriarchal bargains with male nationalists to uphold these new roles. All along men enthusiastically encouraged female participation against foreign interference and imperialism (1919 and onward) , but appeared less accommodating in allowing women the same voice when it came to domestic policies. Women could lead and organize protests and riots against foreign intervention, and voice their opposition publicly, pretty much be a scapegoat, but when it came to female suffrage or ideas of women’s progress, gradual change as opposed to revolutionary action became more acceptable terms for new patriarchal bargains. While modernist nationalists supported female education and an end to domestic seclusion, these measures were intended to produce better mothers for modern Egyptian children, and partners for modern Egyptian men. This is how limited Egyptian women can contribute to the development of the nation; to be a mother . . . this remains the primary priority. As such women’s activity in the political sphere appeared to conflict with these domestic responsibilities and with male nationalist definitions of modern Egyptian womanhood (Badran, 2005).

However, these political exclusions encouraged some female nationalists to challenge these limits on women’s political activity, by taking more independent action in pursuit of their nationalist and feminist goals. These challenges to existing gender definitions and patriarchal limits were repeatedly constrained by persistent notions of women as symbols of ‘cultural authenticity’ in Egypt though. Even until now, in the public scene priority from the government is given to mothers, not women. Despite ironically the fact that according to the World Bank Data Statistics in 2015, the Egyptian active labor force consisted of 24.1%

women (these are the official records, non-official labor work registers a much higher percentage), that is about quarter of our economy (World bank, 2015). This percentage is irrelevant to social status.

Why should the people (regardless of their gender) contributing to about a quarter of Egypt's development economically be politically shunned that way? How can such an abrasive exclusion make an Egyptian more just as patriotic as an Egyptian man? The constant attempts to limit women's public spaces and confine her to participate actively patriotically to Egypt's development have only begun to show recently. It's the constant fight for women's basic rights to publically liberally access the public spaces in her own country with every right as the fellow Egyptian man beside her that makes defining nationalism differ to both sexes.

### **Conclusion:**

Egypt as a nation had been through much turmoil by the advent of the 20th century. Its history was inextricably bound up with foreign customs because of the succession of ruler after ruler who took charge of the country from outside. Egypt's strategic geographical position as well as its vast natural resources made it especially attractive to those who felt their own gain could be achieved in the directed exploitation of these assets. While at times the country benefited from outside ideologies, more often the peasant masses, and increasingly the educated elite after the British Occupation, became resentful and angry because of the way their native land was used. This gave rise to different strains of Egyptian, and later Arab, nationalism, the proponents of which succeeded in ousting foreign dominators and instituting native rule. Women of Egypt played a part in this movement to reclaim "Egypt for the Egyptians." In doing so, they strengthened and honed their voices as feminists and attempted to wed their causes to the nationalists' momentum.

The result was a symbiotic relationship - the women's claims strengthened the nationalists' arguments and action for independence, while the nationalists allowed the women a vehicle to express their nascent feminist views. As the 20th century wore on, however, it became clear that those men who had encouraged and helped the women's movement along were not personally invested in it and let it fall from the political force in subsequent years. The women directly involved, as well as their future daughters,

learned an important lesson from this turn of events. The reactions to their activities proved that the only way an authentic feminist movement would flourish would be by establishing it as its own political movement, independent of any other ideology, and allowing it to blossom in a political atmosphere tolerant of criticism, action, and reform.

The women's movement at the turn of the century began with individual voices decriing the position they were in. Women such as 'Aisha al-Taimuriya, Huda Sha'rawi, and Saiza Nabarawi were among the first Egyptian women to lament their place in society. As these voices became stronger and the women that they belonged to became more organized, a women's movement was born. Simultaneously, a nationalist movement was gaining ascendancy among the male elite in the face of the British Occupation. These two movements met at the forefront of the political activity of the early 20th century and became intermingled for a brief period. Once disentangled by the 1919 Revolution, women were on their own to forge their own movement. In her discussion on Arab women and politics, Nawal el-Sadaawi notes that for an effective women's movement to take place, it must be on its own, free from ideologies that will suck energy out of it for their own purpose.

She describes the Arab national movement as a man's movement, and though women have played a part in it, it remains a man's movement. For women to succeed in promulgating their own movement, it must be political in nature, taken beyond the levels abstraction and discussion, and put into concrete action. This must take place in a society that is free from political suppression and open to criticism from its citizens, and hopefully one that is willing to hear female voices as well as male voices.

This paper traces the gradual development of feminist thought in Egypt in the 20th and early 21st Centuries. It argues that women's causes and emancipation have been part and parcel of the political struggle for democracy and freedom. Yet, I also argue that sexuality and sexism are central political problems in Egypt and that a reform of sexual practices should be incorporated into the process of political change to achieve real transformation of gender and social relations.

Such a reform incites a transformation of the traditional power relations of domination and subordination which permeate familial, political and socio-economic relationships in Egypt. Women

activists and participants in political and social movements in Egypt continue to struggle as they (re)negotiate the way they present themselves at home and for the international community. They have to promote their free ideas in parallel lines to nationalist movements that are essentially patriarchal, reductive and also gender-centered. Within the nationalist struggle for independence and sovereignty, women and their causes are at the forefront agenda of struggle.

However, improving certain aspects of their rights and situations in the Egyptian society such as access to education and improvement of health conditions, women's political and social rights are overlooked. Their voting rights have not translated into female access to ruling circles and they are asked to return to their home and take care of their families. There has been a rivalry between Islamic and liberal feminist movements in Egypt, through which both movements enter into deals with the authority.

This is the main reason that there is no linear and interrelated progress of feminist thought in Egypt. Both Islamic feminists and liberal feminists fail to address women's needs and rights as individuals and lock women's struggle within traditional stereotypes of women as mothers and wives. Nonetheless, the image of 21st-Century Egyptian feminists and activists is special in the sense that the majority of these Egyptian girls and women are wearing Hijab. Yet they all are liberals who call for a secular state. Also, they come from versatile social, cultural and economic background. Thus, they challenge and counter the stereotyped image of feminists as westernized, affluent women who are separated from the realities and sufferings of common people, or as Islamists who reject liberal ideas.

## Annex

2013 Constitution	2012 Constitution
<p>Article 2</p> <p>Islam is the religion of the state, Arabic is its official language and the principles of Islamic Sharia are the main source of legislation.</p>	<p>Article 2</p> <p>Islam is the religion of the state and Arabic is its official language.</p> <p>The principles of Islamic Sharia are the main source of legislation.</p>
<p>In the preamble: We are drafting a constitution that affirms that the principles of Islamic Sharia are the principle source of legislation, and that the reference for interpretation thereof is the relevant texts in the collected rulings of the Supreme Constitutional Court</p>	<p>Article 219</p> <p>The principles of Islamic Sharia include general evidence, foundational rules, rules of jurisprudence, and credible sources accepted in Sunni doctrines and by the larger community.</p>
<p>The principles of the laws of Egyptian Christians and Jews are the main source of laws regulating their personal status, religious affairs, and selection of spiritual leaders.</p>	<p>Article 3</p> <p>The canon principles of Egyptian Christians and Jews are the main source of legislation for their personal status laws, religious affairs and the selection of their spiritual leaders.</p>
<p>Article 7</p> <p>Al-Azhar is an independent scientific Islamic body. It is solely responsible for all its affairs and it is the main reference in theology and Islamic Affairs. It is in charge of preaching, dissemination of religion and the Arabic</p>	<p>Article 4</p> <p>Al-Azhar is an independent Islamic institution, with exclusive autonomy over its own affairs, responsible for preaching Islam, theology and the Arabic language in Egypt</p>

<p>language in Egypt and the world. The state is committed to providing sufficient funds to ensure it achieves its objectives.</p> <p>Al-Azhar Grand Sheikh is independent and cannot be dismissed. The law regulates the way he is chosen from among the senior scholars.</p>	<p>and the world. Al-Azhar's senior scholars are to be consulted in matters pertaining to Islamic law.</p> <p>The state shall ensure sufficient funds for Al-Azhar to achieve its objectives.</p> <p>The post of Al-Azhar Grand Sheikh is independent and he cannot be dismissed. The method of appointing the Grand Sheikh from among members of the senior scholars is to be determined by law.</p> <p>All of the above is subject to legal regulations.</p>
<p>Article 11</p> <p>The state shall ensure the achievement of equality between women and men in all civil, political, economic, social and cultural rights in accordance with the provisions of the constitution.</p> <p>The state shall endeavor to take measures ensuring the adequate representation of women in parliament, as prescribed by law, and to ensure women's right to hold public office and senior management positions in the</p>	<p>Article 10</p> <p>The state shall ensure maternal and child health services free of charge, and enable a balance between a woman's duties toward her family and her work.</p> <p>The state shall provide special care and protection to female breadwinners, divorced women and widows.</p> <p>In the preamble: Further, there is no dignity for a country in which women are not</p>

<p>state and to be recruited by judicial institutions without discrimination.</p> <p>The state is committed to the protection of women against all forms of violence, and to empower women to balance their family and work duties.</p> <p>It is also committed to providing care and protection to mothers, children, women-headed households, elderly and the neediest women.</p>	<p>honored. Women are the sisters of men and hold the fort of motherhood; they are half of society and partners in all national gains and responsibilities.</p>
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<u>2012 Constitution</u>	<u>2013 (current) constitution</u>	<u>Notes</u>
<p><b>Article no.6</b> “The political system is based on the principles of democracy and consultation, citizenship (under which all citizens are equal in rights and public duties), political and multi-party pluralism, the peaceful transfer of power, the separation and balance of powers, the rule of law, and respect for human rights and freedoms. All of the foregoing is as provided in the Constitution. It is prohibited to form a political party that discriminates between citizens, whether on the basis of gender, origin or religion”</p>	<p><b>Article no.4</b> “Sovereignty belongs only to the people, who shall exercise and protect it. The people are the source of powers, and safeguard their national unity that is based on the principles of <b>equality, justice and equal opportunities</b> among all citizens, as stated in the Constitution”</p>	<p>The term “consultation” in 2012 was intentionally used to specifically back up the religious parties in the state giving ample room for religious deliberations in legal matters of civilians as per the provisions of the Islamic Sharia (<u>not just the principles</u>). Needless to say the Islamic provisions are far more detailed, intricate and carry much debate not favoring women in many aspects. Consenting to this article alone guarantees a profoundly patriarchal constitution.</p>

<u>2012 Constitution</u>	<u>2013 (current) constitution</u>	<u>Notes</u>
<p><b>Article no.32 “Egyptian nationality is a right. It is organized by law”</b></p>	<p><b>Article no.6</b> Nationality is a right to anyone born to an Egyptian father <u>or an Egyptian mother</u>, and legal recognition through official papers proving his/her personal data, is a right guaranteed and regulated by Law. Requirements for acquiring nationality shall be specified by law”</p>	<p>Women were totally denied the right to pass on their Egyptian nationality to their children in case they married a foreigner in the 2012 constitution. In the current 2013 constitution this was clearly rectified where children are given the right to the Egyptian nationality whether the father is Egyptian or not as long as they are born to an Egyptian mother. This amendment reflects the state’s genuine effort to create gender equality in a vital aspect in the Egyptian law.</p>

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<u>2012 Constitution</u>	<u>2013 (current) constitution</u>	<u>Notes</u>
<p><b>Article no.33</b> “All citizens are equal before the law. They have equal public rights and duties. There can be <b>no discrimination between them in that regard</b>”</p>	<p>Article no.53 “All citizens are equal before the Law. They are equal in rights, freedoms and general duties, without discrimination based on religion, belief, <b>sex</b>, origin, race, color, language, disability, social class, political or geographic affiliation or any other reason. <b>Discrimination and incitement of hatred is a crime punished by Law.</b> The State shall take necessary measures for eliminating all forms of discrimination, and the <b>Law shall regulate creating an independent commission for this purpose.</b></p>	<p>Using ambiguous and flexible phrases regarding gender equality in the 2012 constitution is clear here, without setting clear definitions, guidelines for application to actually combat the discriminatory and hateful treatment the minorities have suffered from in our society for years as well as women in particular was neglected. Stronger guidelines were set in the current constitution in this regard.</p>

<u>2012 Constitution</u>	<u>2013 (current) constitution</u>	<u>Notes</u>
<p><b>Article no.41</b> “The human body is inviolable, and the trafficking of human organs prohibited. No person may be subjected to any medical or scientific experiment without free, documented consent, and in accordance with the established foundations of medical science, and in the manner organized by law”</p>	<p><b>Article no.60</b> “The human body is inviolable and any assault, deformation or <b>mutilation</b> committed against it shall be a crime punishable by Law. Organs trade shall be prohibited, and it is not permissible to perform any medical or scientific experiment thereon without a certified free consent according to established principles in medical sciences and as regulated by Law”</p>	<p>The 2012 constitution intentionally disregarded to mention the crimes of human body mutilation or deformation which <b>FGM crimes</b> (female genital mutilation) easily fall under. It’s worth noting how the barbaric crime of FGM is still welcome to this very day by the Islamic fundamentalists and this acceptance is heavily endorsed by the Islamic sharia.</p>

<u>2012 Constitution</u>	<u>2013 (current) constitution</u>	<u>Notes</u>
<p><b>Article no.73</b>            “All forms of oppression, exploitation and <b>sex trafficking</b> are prohibited and criminalized by law”</p>	<p><b>Article no.89</b> All forms of slavery, oppression, forced exploitation of human beings, sex trade, and <b>other forms of human trafficking are prohibited and criminalized by Law”</b></p>	<p>The 2012 constitution also deliberately did not use the phrase all forms of human trafficking till the end of the phrase since the <b>IMO considers marrying off minor girls to be a major form of sex trafficking</b>. Again this is approved and endorsed by Islam fundamentalists with the Islamic sharia in the backdrop referring to the heated debates about Aisha’s exact age who is one of the Prophet Mohamed’s wives that was wed to him as a minor.</p>

<u>2012 Constitution</u>	<u>2013 (current) constitution</u>	<u>Notes</u>
<p><b>Article no.219</b>            “The principles of Islamic Sharia include general evidence, foundational rules, rules of jurisprudence, and credible sources accepted in Sunni doctrines and by the larger community”</p>	<p><b>Article no.93</b>            “The State shall be bound by the <b>international human rights agreements, covenants and conventions ratified by Egypt,</b> and which shall have the force of law after publication in accordance with the prescribed conditions”</p>	<p>This is by far one of the most important amendments made in 2013 regarding women’s rights. The 2012 constitution did not suffice with the 2<sup>nd</sup> article in the constitution stating that the principles of the Islamic Sharia be the main legislative reference, no, another article dedicated solely to reinforce this statement was added here. Relying on the general evidence, foundational rules, rules of jurisprudence, and credible sources accepted in Sunni doctrines and by the larger community in Islamic Sharia is a clear cut sign of how Egypt was heading towards being a definite <b>non-secular state</b> full force. This article stated in such a manner conflicts majorly with most agreements, treaties and convents Egypt has signed before namely like the <b>CEDAW</b> agreement which until our present day represents a huge dilemma to the Islamic fundamentalists that have zero tolerance towards any international agreements favoring gender equality and incriminating all sources of violence against women.</p>

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