

# THE TRANSFORMATION OF EGYPT

## The post-Mubarak role of women, civil society and the military

**LUBNA AZZAM** || Egypt today is undergoing transformation but the outcome appears uncertain. The political landscape is changing on a daily basis. Two of the major players are women and women's groups, and the military. Now that the military is willing to have a new constitution codified, the question remains as to what this will mean. What do transformation, constitutionality and ultimately democracy mean in a country which has never or only very briefly known them? What are the implications of the new Egyptian Revolution for women and their rights?

### INTRODUCTION

In order to assess the situation in Egypt, it is essential to analyse the background to the events currently unfolding, in particular issues concerning the new constitution. The manner in which it was ratified is a reflection of the climate in Egypt in 2012 when a photograph of feminist pioneer Doria Shafiq was removed from a national textbook since she was shown not wearing the veil. Though seemingly a purely cosmetic gesture since all references to her and her role in the foundation of the modern Egyptian state have been retained, it may be indicative of a profound Islamisation of state institutions. It could also be perceived as an attack on the liberal feminine or even femininity as reflected by Shafiq's uncovered head. Indeed, it negates the profound relationship between the women's movement and nationalism in the past, and the continuation of this as seen in the role of women in the events surrounding 25 January 2011.

The context and political climate are fundamental in regard to shaping a constitutional text and filling it with meaning. It also has to be mentioned at this point that a constitution is only as effective as the judiciary which is charged with the task of interpreting it and implementing its norms and values. This is crucial in a time of political transition. Where are the women who

participated in the uprising of 25 January to 18 February 2011 and why are they being systematically driven out by men employing the means of sexual violence against them from the spaces that they too helped to liberate? Not only Egypt but especially Egyptian women find themselves at a turning-point in history, and at a crossroads where the paths to transition diverge.

### Historical overview of Egypt

It is vital to understand the historical position of both the military and civil society in Egypt to comprehend what this entails for transformation, or rather the slow progress thereof. It also helps to explain the current situation in the country and to formulate an educated guess as to its future prospects. Egypt is not only multi-faceted, but also does not act or react in a vacuum. This means that it is an important actor on the international, regional and national stage.

It is worth noting that feminism and nationalism in Egypt are closely linked. Women such as Doria Shafiq but also Zeinab al-Ghazali served to form Egyptian identity post independence from the British in 1952. Equally noteworthy is the instrumental role which the military has played in Egypt's recent history: this is neither striking nor coincidental. The connection between these two factors will constitute the major content and cen-

tral thesis of this analysis. Namely, that women and women's issues have been instrumentalised by the "powers that be" in Egypt, but that the reverse may also be true. This means that both women's lobbyists and the military have vested interests and a symbiotic coexistence.

### **Theoretical framework**

The dependent variable, or factor, is the impact of the women's movement and the state (i. e. military) policy response. The variation is seen in the choice of independent and intervening variables or factors. By virtue of primarily choosing a qualitative analytical framework, these will be generated or at least amended from the collected data itself. The fieldwork for this project commenced in 2011/2012 and continues through 2013.

The wider theoretical framework is democratisation and transformation theory within a broad liberal framework. The study uses O'Donnell and Schmitter's actor-based transformation theory on a meta level to examine the role which women's agency actors are playing in transforming a society such as that in Egypt. Using O'Donnell's method is suitable as he considers the democratisation of autocratic systems by taking a micro-analytical approach and concentrating on the relevant actors during transformation. Due to their diplomatic skills in introducing their objectives, women's agency actors may have advantages in regard to presenting their interests to decision-takers. Transition is understood by O'Donnell as taking place from "an authoritarian system" into "something else" (Bos, 1996, p. 84). Whilst acknowledging the fact that women's rights were traditionally secured (long) after the establishment of stable democracies, it may be regarded as a suitable moment to codify gender equality and women's human rights parallel to the establishment of democratic norms and stable democratic structures within society.

Within the framework of democratisation, women's NGOs are seen to represent one actor in the broader context of a multi-actor civil society. As participants in an evolving civil society, women themselves as actors have been instrumentalised by oppositional forces ranging from conservative-religious to the liberal sector of the community. Following Diamond's understanding, civil society requires the protection of an institutionalised

and independent legal apparatus to guarantee its independence and freedom of action. A functioning civil society thus does not simply limit the authority of the state, but legitimises its authority on the basis of the "rule of law" (Diamond, 2001). This "rule of law", furthermore, guarantees that all citizens are treated equally (Diamond / Plattner, 2001: XI): liberalism allows for religious pluralism. It must be noted that Islam is embedded in Article 2 of the constitution, declaring it the "principal religion of state" (The Constitution of the Arab Republic of Egypt 1971, Article 2).

This project embraces Waylen's understanding of the kind of citizenship that such "liberalisation" should achieve as one that is based on "full inclusion". This is defined in the "broadest sense to include social and economic as well as civil and political rights" (Waylen 2007: 16). In this regard, women's organisations are the independent variable or factor in achieving "full inclusion". The approach to this component will be from a universalist human rights perspective. Although Muslim women's human rights are central in the Egyptian context, the interests of women from other religious communities are not subordinate. This requires acknowledging the importance of the role religion plays in all aspects of society, but also containing this influence, as well as recognising that Egyptian society does not exist in a vacuum divorced from tendencies in neighbouring countries, societies and the global community at large.

### **Transformation: an attempt at definition**

At this stage a brief discussion of transformation may serve to establish the subject matter. Thomas Carothers, a leading authority on international democracy support, identified five assumptions pertaining to the transition paradigm which should be addressed. Amendments to the political system are processes which ideally lead from authoritarian to democratic regimes. Democratisation is linear, sequential from liberalisation to democratisation, and consolidation of the same.

Elections play a crucial role in the process, generating democratic reforms and contributing to consolidation of the same. Structural factors do not play a vital role; transitions are rather driven by elite action. The author would question this analysis based on her own research but also that

of Georgina Waylen (2007). Transitions are based on consolidated statehood. Democratisation is taken to include the rearrangement of institutions but by modifying already existing state structures. Democracy-building and state-building are seen as inclusive categories. Carothers asserts that empirical case studies have negated these assumptions after transformations in the 1970s, 1980s and 1990s did not lead to democracies (Grimm, p. 3 ff.). It is also interesting to take a look at Robert Dahl's definition of polyarchy: the concept goes beyond elections by demanding some institutional and procedural minimal standards against which any regime can be measured: representation via elected officials, regular free and fair elections, inclusive suffrage, the right to run for office, freedom of expression, alternative information, and the freedom of association. Only when these polyarchic rules of the game are successfully embedded into the socio-political context and have reached some degree of durability can we ex post speak of a successful democratisation process.

Ultimately, transformation means change, as Schmitter and O'Donnell claim: one knows not to what or where. But given positive change, transformation should ideally end in a democracy. What this means for Egypt is still uncertain but it also clear that the process is ongoing. As such it will take time, patience and dedication on the part of convinced actors and observers. This will not happen overnight nor in a vacuum, without input and knock-on effects, and it will require commitment on the part of those who are persuaded of its propriety.

### **POLITICAL ACTORS IN EGYPT**

Before proceeding one has to take a closer look at the broader landscape of actors in Egypt. These will be briefly described in this section.

Firstly, and always present, are the military under the head of the armed forces, General Abd al-Fattah as-Sisi. They are not to be confused with the SCAF, the Supreme Council of the Armed Forces, which took power after the Revolution and were instrumental in Mubarak's withdrawal from power. The SCAF is one component of the military, and not vice versa. The army is a complex actor with several sub-actors, some in competition with each other.

Alongside the army there is the deep state, a state within a state, made up of the representatives of the old regime and their kin, who still have a considerable degree of influence in today's Egypt. It is also important to note that they are not democratically elected and not necessarily democrats. They are interested in protecting their own financial, economic and political interests. The present constitution does not offer any means of accountability since there is no civilian oversight over the army, its budget or its administration.

Another powerful actor, or rather group of actors, is the Islamic fraction. It will become apparent why these amalgamated. The al-Ikhwan al-Muslimun, or the Muslim Brotherhood, are the oldest, most professional, and until June 2013 arguably the most powerful of these actors. Their history goes back over 70 years and they have considerable experience in both the political and oppositional arena. Further actors from within this bloc include the Salafist fraction, which is also internally divided, and the al-Nour Party, their political wing, which was in danger of splitting just before the coup. The latter is a significant actor as its membership is very diverse and ranges from the extreme right to extreme left, terms not to be understood in the European sense. They are traditionalists and their doctrine is not always in keeping with democracy. This is because there can only be one Supreme Guide for the Faithful and he (always a man) is chosen, not democratically elected. This is in stark contrast with political reality and demands for democracy in Egypt. This was also one of the points of contention within the Salafist fraction.

The ruling class is another potent actor. It has not changed since the Revolution of 2011 and populates the many ministries, including the Ministry of the Interior. It will be difficult to remove or replace them as they have a large degree of expertise and are required for the day-to-day maintenance of the country. One may not renege on this experience.

Yet a further actor is the oppositional bloc, one of whom appears to be cooperating with the military, namely Mohamed ElBaradei, former President of the International Atomic Energy Agency. This bloc is the most disparate one and united in being contra as opposed to having fundamental

agreement on certain issues. They first called to boycott the constitutional referendum and then reversed this, urging the people to vote. This bloc also called for a boycott of Morsi and his government. They have been united under the banner of being against as opposed to for any issue. Prominent personalities such as Amr Moussa also belong to this bloc.

The Revolutionary Youth is another actor. They in part initiated the Revolution and were the ones who did not benefit at all from it because of their disparate political nature and lack of experience and organisation. Some of their members refuse to engage with the formal political sector, and are radical and prepared to use violence to attain their aims. Others have become part of the political establishment and have joined political parties such as Masr al-Qaweya and are engaging within formal political mechanisms as a possible future political opposition or ruling class.

Trade unions are also playing a part. They were important under Mubarak and arguably offered several impulses for democratic rule in Egypt. They are largely ignored in this process, as they have failed to maintain the level of influence they attained prior to the Revolution of 2011. Their democratic structure was inspirational for activists on the streets and they were known for their effectiveness in negotiating and achieving their aims by means of compromise.

Civil society is another important actor but may also be integrated into the oppositional bloc. They are largely ignored and appear unable to maintain the level of influence they had under Mubarak. It may well speak for Mubarak that especially towards the end of his rule he granted

them much leeway, allowing them to organise and campaign for their goals. Women and their representatives belong to this category of civil society. Before the Revolution, the National Council for Women (NCW) was a part of this although it had admittedly co-opted more radical elements and ideas to its own aims and ideals; it has reformed, although its membership is now entirely different. The NCW as a state feminist mechanism was inseparably linked to the state and was part of its structure, even though it claimed to speak on behalf of civil society. Women have formed other groups such as the Baheya ya Masr Movement and the Nazra for Feminist Studies organisation, which represent women and their interests but remain political outsiders based solely in civil society and without having attained the status of political insiders, or even realistic political opponents to the regime (Picture 1).

### The interplay between these actors

The interplay between the various actors was very well reflected in the constitutional process, which will be described in more detail below. During this process there was much evidence of the weight of the significant actors such as the Muslim Brotherhood (MB) and the military, who officially only enjoyed a background role. In reality their influence was very much more profound. Reading through the latest constitution it is striking how effective these two players were in introducing and defending their rights. The constitution is the result of back door deals and negotiations to the detriment of women and their interests but also to the detriment of wider sections of civil society as a whole.

Picture 1: The various political actors on the Egyptian political stage



## ROLE OF CIVIL SOCIETY IN EGYPT

### Women as a sub-element of civil society

Women are confronted with major structural difficulties in today's Egypt. Even though the National Council for Women has been reinstated since the "coup", this still does not bode well for women. Military does not blend well with civil, and is certainly not in women's best interests. Gamal Abdel Nasser coined "state feminism" as a means for integrating women into the labour force. This term became synonymous with his reign and the increase in female education levels. This having been said, it must be noted that although Nasser was successful in equalising the playing field for women in the public sector, he left the private domain untouched by reforms. This means that within the private confines of the home women were still subject to the restrictions of the contractual marriage agreement and were not allowed to travel without the permission of their husbands or fathers (Badran, 2010). The first attempt to change these restrictive laws was made by Anwar Sadat with "Jihan's Laws". Sadat introduced these wide-reaching amendments by presidential decree, but they were subsequently declared invalid on constitutional grounds and reversed. In 1983 following his assassination at the hands of jihadi Muslim Brothers, a watered-down version of Jihan's Laws was implemented.

### The National Council for Women: state feminism for Egypt

In 1993 a National Committee for Women was established within the National Council for Childhood and Motherhood (NCCM) as a result of pressure by the United Nations Organisation. This was replaced in 2000 by the National Council of Women whose president was Suzanne Mubarak. Here it is once again evident that a First Lady exercised her influence concerning women's issues. Therefore it is not surprising that the NCW had a larger mandate than the previous organisations and that it has been allocated a sizeable amount of funding directly from the government's budget. Some members of the NCW's board were representatives of women's NGOs. It has to be added that none of the strongly vocal feminists<sup>1</sup> are represented, even though they are invited to its events. NWC-CSO<sup>2</sup> relations were never formalised and consequently the dialogue between them

was very nebulous. Furthermore, the NCW acted as a gatekeeper, determining which civil society organisations were heard and which excluded, for example representatives of religious organisations such as those linked to the Muslim Brotherhood but also other organisations perceived as being religious. Founded by presidential decree in 2000, its position in favour of the state was undisputed. It is a good illustration of the Mubarak state's official attitude towards women, but may also be perceived as a signal to the international community regarding its ostensive desire to improve (women's) human rights in Egypt. The organisation may certainly be viewed as an expression of state feminism, but entirely different from the form which Nasser espoused when the term was coined following the 1952 Egyptian Revolution.<sup>3</sup> There is a certain similarity in that the state dominates the discourse.

### Women, Egypt and its laws

Until 2011 Egypt was officially a social democracy with a civil jurisprudence, which according to Article 2 of the constitution of 1971 is governed by the principles of the Sharia. According to Dupret, Islam is the state religion in Egypt. Despite this, the state is perceived as having several characteristics of authoritarian states. This has not changed since it decided to adopt its new constitution per plebiscite but the focus has perhaps shifted somewhat from a "secular liberal" social democracy to one dominated by religious forces.

The Egyptian state was governed until 2011 by bureaucratic authoritarianism. There is an alliance between the state, the military and certain segments of the elite who have important links with foreign business interests.

The constitution was amended in 1980, defining the Sharia not only as the main source of legislation but also stating that "Islam is the religion of the State ... Islamic law (Sharia) is the principal source of legislation" (Article 2, Constitution of the Arab Republic of Egypt, 2007). Furthermore, "Islam is the religion of the state, Arabic is the official language, and the principles of the Sharia are the main source of legislation". This of course has important consequences for the Egyptian education system and all state bodies.

Although the state may be perceived as top-heavy, theoreticians insist that it is weak rather than strong. This was apparently demonstrated by its inability to transform itself independently and to represent all sections of society.

This has changed since 25 January 2011 and has subsequently had consequences for the structure of civil society in the country: because society and state are weak in Egypt, evolutionary trends did not develop. On the contrary, the state was just as weak as society, and the system was preserved until 25 January 2011. This was compounded by economic stagnation and a social status quo. A weak civil society has serious consequences for the promotion of women's rights. On 25 January 2011 people gathered on Tahrir (Liberation) Square and expressed their discontent with the Mubarak regime. Now over two years later, Egypt has witnessed a regime change, democratic parliamentary and presidential elections, and a constitutional referendum.

The last constitutional process was notable from the point of view of gender relations, and demonstrated a blatant disregard for the rights of women and children and, indeed, human rights. Not only the process but also the final document which was ratified by popular referendum in December 2012 were somewhat problematic. According to lawyers and activists it is a document which is not without controversy. The reasons for this are listed below. In addition to the constitution, women in Egypt are governed by the personal status legislation which specifies the treatment of women in family matters. Here each religion has its own personal status code. This has to be taken into account when considering women's human rights and gender equality.

### **THE CONSTITUTIONAL PROCESS AS AN EXAMPLE OF THE INTERACTION OF ACTORS**

The Egyptian constitutional process was completed with a popular referendum in mid-December 2012. This process offered a perfect opportunity to build upon and improve the constitution of 1971, for example by expanding the codification of women's rights. By considering the 1971 constitution and comparing it with the current one, the constitutional process leading to the document itself can be mapped.

While women played quite an important role during the Revolution, women and women's rights failed to feature both in the constitution and the process leading up to its formulation. This is also the case with human rights in general and personal freedoms in particular. Not only women but also Egyptians in general did not see their interests represented in this constitution, as merely a third of registered voters turned out to vote on it.

Prior to the establishment of the Constitutional Assembly (CA) which eventually drew up the constitution, there had been a predecessor established in March 2012. This one was dissolved by parliament in June 2012 for being unrepresentative.

The preceding CA was dissolved by the Cairo Administrative Court in April 2012. It was seen as "unrepresentative". The second CA was formed in June 2012 following negotiations between lawmakers and the Supreme Council of the Armed Forces (SCAF), which ruled the country at that time. In addition to Parliamentarians, seats were set aside for representatives of the Coptic Church, the Al-Azhar religious institution, journalists, and military officers, amongst others. As the CA had been elected by Parliament, and Parliament was dissolved by court order in June 2012, the CA was again under threat of dissolution by court decision. In the final sitting of the CA on 29 November 2012 there were only 85 delegates present, four of them women.

### **Composition of the Constitutional Assembly**

The constituent assembly was conservative and this was reflected in the constitutional draft which it produced. While the opposition first felt that the composition of the second CA was more representative than the first one, it later claimed that the majority filled positions with their representatives rather than with independent figures. Members of civil society have therefore criticised the composition of the CA. Despite promises to the contrary from the Muslim Brotherhood, the CA was composed of some 60 % representatives stemming from the Brotherhood and around 15 % from the Salafis, adding up to an overwhelming three-quarters majority of Islamists. This generated distinct unease among some observers from civil society and academia.

The National Council for Women had put forward several female members for the CA but none of these were selected to represent women's interests. Among the seven women representatives, two were members of Parliament from the Freedom and Justice Party (the political wing of the Muslim Brotherhood), one was a member of the International Islamic Committee for Woman and Child, two were academics, including one liberal, one a political activist and member of the El-Wafd party, and one a representative of the NGO community with a liberal position. Thus, women were significantly under-represented in the CA. In addition, they had favoured women's nominal equality in the constitution.

In some of the CA's deliberations, Salafi and Muslim Brotherhood representatives had different roles and views on the various issues discussed, such as the omission of Article 36 stating explicitly women's equality subject to the conditions of the Sharia, or the inclusion of Article 219 on the importance of Sunni Islam, or Article 4 on the central and decisive role of Egypt's traditional religious institution, Al-Azhar. There was also an agreement between the MB and the military concerning the mutual protection of interests. The integration of an article allowing civilians to be tried before military courts when deemed to be harming military interests is the result of this deal. Initially there was an article proposed prohibiting the trial of civilians before military courts. Moreover, the integration of Article 4 on the fundamental importance of Al-Azhar and Article 219 stipulating the Sunni nature of Egypt are also very significant. This is an important departure from the earlier constitutions of 1923, 1956 and 1971. In the following, the 1971 constitution will be discussed and compared with the present one as it stands. It is important to note this change in paradigm from the 1956 Arab Republic of Egypt to the current Arab Republic with an Islamist character.

### **Differences between the 1971 and the present constitution**

Article 5 of the 1971 constitution explicitly codified a commitment to women's equality with men. This was also part of the preamble and does not feature in the current constitution.

In fact, the wording used in the 2012 constitution asserting the equality of all citizens, without reference to specific societal groups such as women or religious minorities, is significant. Women's rights do not feature explicitly in the document. In an interview with a female Muslim Brotherhood member of the CA, the author was informed that the vagueness of the final text was intentional. According to this view, women should be regarded as equal citizens and not specifically as women.

In the case of Articles 2, 4 and 198 of the 2012 constitution, some agreements had been made between the dominant fractions in the CA. The conflict between the secular / liberal and Islamic fractions overshadowed the negotiations. The inclusion of Articles 4 and 198 are indicators of this. Causing "harm to the armed forces" is now subject to sanction by military justice. Also, the inclusion of an article allowing civilians to be tried before military courts is further proof of this, as it was not envisaged that it would be included. On the contrary, there was a proposed ban on the trial of civilians before military courts. The reference is to Article 198, which allows the above. It can also be claimed that allowing the military autonomy over its budget is proof of an agreement between the fractions. One cannot claim that this "hinders women's rights" but it limits the ability to include them. This fell under the table because of the disputes between the two poles, secular / liberal and Islamist. The debate around the formulation "citizen" without specific reference to women was not relevant as the article was not included in the ultimate constitutional draft. Treating women as equal citizens does not imbue them with a special role in society which would warrant special protection. On the other hand it does guarantee women equal rights as citizens.

Article 4 gives Al-Azhar a special role in the Egyptian system, Article 219 codifies the Sunni nature of Egypt, and Article 2 on the principles of the Sharia as the main source of legislation is supported by both Articles 4 and 219. These articles may actually undermine women's rights as Islam suggests a complementarity between the genders and not unconditional equality. By not explicitly codifying women's equality and women's rights, such an interpretation may erode the position of women in Egypt even further.

Conversely, the omission of Article 36 in the current constitution signifies the explicit omission of women as well as their rights and obligations, and places women at a practical disadvantage. In the former constitution's draft Article 36, women's financial rights vis-à-vis the state were explicitly defined. For example, state support for those unable to sufficiently support themselves was guaranteed.

There is likewise ambiguity in Article 11 of the current 2012 constitution which calls on the state to protect "morality". It is not clear what an article awarding the state the privilege to oversee "public morality" actually means. It is neither spelled out how that would be done – in the form of a "morality police" such as in religious / conservative systems like Saudi Arabia or Iran – nor what the relations between the moral principles and universal human rights and equality between citizens would be. Article 11 guarantees that motherhood is to be protected. Widows and divorced women should also come to their rights. In this context, the charge has even been levied against the CA that its members failed to comprehend the function of a constitution to protect the individual citizens' rights and frame their duties towards the state. It is also ambiguous in that it raises the question as to why widows are more important than women who have been deserted by their husbands. Such ambiguity is scarcely credible as the majority of the CA were indeed legal experts. It is however certain that there was intense internal and external pressure to produce a document to be put to referendum.

Further articles have been introduced in the 2012 constitution which should be regarded as being problematic. A case in point is the language of Article 81 which can be interpreted as limiting basic freedoms and women's rights in a particularly blatant manner.

As demonstrated above, the constitution of President Mohamed Morsi was a departure from the former constitution of 1971. The reasons behind this are quite clear. The president was adamant that he would hold the referendum mid-December 2012 and have a constitution which would represent the interests of his party the MB, but also their partners the Salafi and the military. It was also his prerogative to pass a constitution, so as to be able to hold elections in 2013 and to

have a parliament. The former parliament had been dissolved by the Supreme Constitutional Court in June 2012.

The various factors in this analysis are set into context in the following table (Picture 2):<sup>4</sup>

#### **CONCLUSION: TO TRANSFORM OR NOT TO TRANSFORM?**

The explicit legal rights of women are important in every context, but especially at this particular juncture of political transformation and the construction of a new system in Egypt. In this sense, the constitutional process must be seen as a missed opportunity to enshrine in law women's rights not only as "citizens" but as women and indeed "female fellow citizens". Positive laws and articles affirming gender equality would have been of utmost importance and a vital signal regarding the role of women in the construction of a "new" Egypt.

The lack of acknowledgement of such a vital female role has also been reflected in post-Mubarak elections, in which women have featured at the tail end of electoral lists and a quota for women in parliament was abolished. This made it even more difficult for women to assume a prominent role and to fight for women's rights via the ballot box. One intriguing element is the fact that representatives of the old guard or regime are ardent proponents of quotas for women in parliament, even going so far as to demand these be codified into the constitution. It must be noted that this is a rather idealistic view which still has to be tested in practice.<sup>5</sup>

Across all social divides there is a common perception of morality and morals. This view is present in all sections of society and transcends all religious groupings. Against this background, female parliamentarians from the Muslim Brotherhood have emphasised that the new constitution is in keeping with their moral and social stances and represents a broad array of personal rights and freedoms. Satisfaction was expressed with the constitution in general. Moreover, according to this view Egyptian women would enjoy all rights and obligations as citizens. Article 10 with its emphasis on the family was especially greeted with much satisfaction as it would speak to women in all life situations and protect their private interests.



Picture 2: Overview of final analysis of the current situation

Variables	Women's Movement Actor Demand	1971 Constitution	Nationality Law of 2004	2012 Constitution
<b>Military response</b>	Underlining women's rights in the constitution	No response, amendment of constitution in 1980 to include the Sharia as "the principal source" of legislation	-	Codification of Article 198
<b>Response by Islamic fractions</b>	Women's equality before the law with deference to Islam and the Islamic Sharia	Above amendment under Sadat in 1980	-	Codification of Articles 2, 4 and 219
<b>State response</b>	Presidential Decree to found the National Council for Women (NCW) in 2000	Articles 8 and 40 on equality of citizenship and anti-discrimination codified into the constitution	Amendment to the nationality law of 1976; amendment allowing women to pass on their nationality to their children	Disregard of women's rights
<b>Outcomes</b>	<ul style="list-style-type: none"> <li>• NCW</li> <li>• Nationality Law</li> <li>• Family courts</li> <li>• 30 female judges</li> <li>• Tahany al-Gebali</li> </ul>	<ul style="list-style-type: none"> <li>• Articles 8 and 40</li> <li>• Amendment to constitution in Article 2</li> </ul>	<ul style="list-style-type: none"> <li>• Nationality law amendment</li> </ul>	<ul style="list-style-type: none"> <li>• Article 36 explicitly protecting women omitted from constitution</li> <li>• No article on anti-discrimination</li> <li>• Article 198 allowing the military to try civilians before military courts</li> <li>• Articles 2, 4 and 219 for the Islamic fractions</li> </ul>

In contrast, the new constitution has been considered problematic by some Egyptian legal experts. Also, the process of constitution-making was itself not without problems. The under-representation of women and civil society representatives was blatant. Although difficult to change, the current constitution is not written in stone. Calls have been made from some members of the legal, academic and civil society community for an entirely new constitution. This constitution should, however, be constructed in both an inclusive and a democratic manner.

As this report makes clear, the transition in Egypt is a very difficult venture, especially for civil society. The military also appear to have problems reneging on power and transferring it to civil and democratically elected authorities. More specifically, given sufficient pressure from inside and outside the parliament, women's explicit right to equality could be introduced. But this would require an extensive amount of work on the part of egalitarian-minded women and men. Thus in the current situation women are successively being forced into the role of defending the rights which they had gained under previous regimes, rather than deepening existing rights or even obtaining new ones.

The political and non-political outcomes since January 2011 may be read in the turmoil on the streets of Cairo during the demonstrations and rallies of 30 June 2013. These events were "neither a coup nor a revolution" but perhaps something between the two, as the author learned during field research and personal interviews with politicians, academics and activists in Cairo in November 2013.

In September 2013, a 50-member constitutional committee was tasked by Egypt's interim president Adly Mansour with drawing up a new constitution by 3 December 2013. The outcome for women's rights and the military is still uncertain, but there is little doubt that the military will not easily give up any of the privileges granted them by the 2012 constitution, and that women's rights are still on unstable ground.

Finally, one does not live in a Machiavellian world and ends never justify the means: this holds true both in the political arena and in society. 2011 is a long time ago in today's Egypt. Bread, freedom and social justice were the demands

then and it remains to be seen what will happen to them.

## || LUBNA AZZAM

Research Fellow at the German Institute for International and Security Affairs (SWP), Berlin;  
Hanns Seidel Foundation scholarship holder

### BIBLIOGRAPHY

- Abdelrahman, M.: *Civil society exposed: the politics of Egypt*, London 2004.
- Abdoul-Kasem Al-Allaghi, F.: *The Role of Arab Non-Governmental Organizations as a Development Vehicle*, in: *Arab Women and Economic Development*, from H. Handoussa, Cairo 2006, pp. 75-98.
- Abu-Lughod, L.: *The active social life of "Muslim Women's Rights": a plea for ethnography, not polemic, with cases from Egypt and Palestine*, *Journal of Middle East Women's Studies*, 2010, pp. 1-45.
- Afshar, H.: *Women and politics in the Third World*, London 1996.
- Ahmed, A. S.: *Islam Today. A Short Introduction to the Muslim World*, New York 2008.
- Al-Ali, N.: *Secularism, Gender and the State in the Middle East: the Egyptian Women's Movement*, UK 2000.
- Al-Bazzaz, A. A.-R.: *Min wahy al-urubah*, Cairo.
- An-Na'im, A.: *Human Rights in the Arab World. A Regional Perspective*, *Human Rights Quarterly* 3/2001, pp. 701-32.
- Antes, P.: *Religionen im Brennpunkt. Religionswissenschaftliche Beiträge 1976-2007*, Stuttgart 2007.
- Arato, A. / Cohen, J. L.: *Civil society and political theory*, Cambridge, Mass. 2002.
- Badran, M.: *Feminism in Islam. Secular and religious convergences*, Oxford 2009.
- Badran, M.: *Feminists, Islam and nation: gender and the making of modern Egypt*, Princeton, New Jersey 1995.
- Banaszak, L. A.: *The women's movement inside and outside the state*, New York 2010.
- Banaszak, L. A. / Beckwith, K. R.: *Women's Movements Facing the Reconfigured State*, Cambridge, UK 2003.
- Baran, Z.: *The Other Muslims*, New York 2010.
- Barnett, M. N.: *Sovereignty, nationalism, and regional order in the Arab states system*, in: *Politics of the modern Arab world: critical issues in modern politics*, from L. Khalili, Cornwall 2009, pp. 9-42.
- Baron, B.: *Egypt as a Woman. Nationalism, Gender and Politics*, Berkeley 2005.
- Bayat, A.: *Making Islam democratic: social movements and the post-Islamist turn*, Stanford, California 2007.
- Berger, P. L.: *The Sacred Canopy. Elements of a Sociological Theory of Religion*, Anchor Books, London 1990.

- Black, A.: *The West and Islam. Religion and Political Thought in World History*, New York 2008.
- Bos, E.: *Vergleichende Außenpolitik*, Wiesbaden 1996.
- Botman, S. E.: *Engendering citizenship in Egypt*, New York 1999.
- Brunngräber, A.: *NGOs als Legitimationsressource. Zivilgesellschaftliche Partizipationsformen im Globalisierungsprozess*, Opladen 2001.
- Casanova, J.: *Public Religions in the Modern World*, Chicago 1994.
- Connell, R. W.: *The State, Gender and Sexual Politics: Theory and Appraisal. Theory and Society Vol. 19, No. 5, 1990*, pp. 507-544.
- Diamond, L. J.: *Islam and Democracy in the Middle East*, Baltimore and London 2003.
- Diamond, L. J.: *Rethinking Civil Society. Toward Democratic Consolidation*, *Journal of Democracy*, July 1994, pp. 4-17.
- Dupret, B.: *A Return to the Sharia? Egyptian Judges and the Reference to Islam*, in: *The Sharia in the Constitutions of Afghanistan, Iran and Egypt – Implications for Private Law*, from N. Yassari, Berlin 2005, pp. 121-170.
- El Alami, D. S.: *The marriage contract in Islamic law in the Shari'ah and personal status laws of Egypt and Morocco*, London 1992.
- Fahmy, N. S.: *The Politics of Egypt*, London 2002.
- Fattah, M. A.: *Democratic Values in the Muslim World*, Cairo 2006.
- Fergany, N.: *The UNDP's Arab Human Development Reports and their findings*, in: *Democratisation in the Middle East. Dilemmas and Perspectives*, from B. Rahbek, Aarhus 2005, pp. 20-47.
- Gerami, S.: *Women and Fundamentalism*, New York 2001.
- Gerlach, J. / Siegmund, M.: *Nicht mit ihnen und nicht ohne sie. Die Rolle von Frauen in der Gesellschaft seit 1952*, Hamburg 1995.
- Goetz, A. M.: *No Shortcuts to Power. African Women in Politics and Policy Making*, London 2003.
- Grimm, J.: *Mapping Change in the Arab World*, Berlin 2013.
- Habasch, R.: *Political Participation of Women in the Arab World. An Overview*, New York 2008.
- Handoussa, H.: *Arab Women and Economic Development*, Cairo 2006.
- Harders, C.: *Frauen und Politik in Ägypten. Untersuchung zur Situation ägyptischer Politikerinnen*, Münster 1995.
- Hart, W. D.: *Edward Said and the religious effects of culture*, Cambridge, UK 2000.
- Hashemi, N.: *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York 2009.
- Hatem, M.: *Economic and Political Liberation in Egypt and the Demise of State Feminism. International Journal of Middle East Studies*, May 1992, pp. 231-51.
- Hatem, M.: *Egyptian Discourses on Gender and Political Liberalization: Do Secularist and Islamist Views Really Differ?*, *Middle East Journal Vol. 46, No. 4, 1994*.
- Hausmann, M. / Sauer, B.: *Gendering the State in the Age of Globalisation*, Plymouth 2007.
- Herbert, D.: *Religion and Civil Society. Rethinking Public Religion in the Contemporary World*, Aldershot 2003.
- Hill, E.: *Women make leap in Egypt parliament*. Retrieved 15 December 2010 from Aljazeera: <http://english.aljazeera.net/news/middleeast/2010/11/2010111813029420433.html>
- <http://web.worldbank.org> (no date).
- Ibrahim, F.: *Staat und Zivilgesellschaft in Ägypten*, Hamburg 1995.
- Joseph, S.: *Gender and Family in the Arab World*, *MERIP/Middle East Report*, Washington D.C. 1994.
- Kaldor, M.: *Global civil society: an answer to war*, Cambridge, UK 2003.
- Karam, A.: *Women, Islamisms and the State: Contemporary Feminisms in Egypt*, London 1998.
- Keddie, N.: *Secularism and Its Discontents*, *Daedalus* 2003, p. 132.
- Khafagy: *Al-Ahram Weekly Online*, 2007.
- Khalili, L.: *Politics of the Modern Arab World. Critical Issues in Modern Politics*, UK 2009.
- Khan, M. W.: *Women between Islam and Western Society*, New Delhi 1995.
- Lovenduski, J.: *State Feminism and Political Representation*, Cambridge, UK 2005.
- Mendieta, E.: *The Frankfurt School on Religion: Key Writings by the Major Thinkers*, New York 2005.
- Moghadam, V. M.: *Modernizing women. Gender and social change in the Middle East*, Cairo 1994.
- Mohanty, C.: *Under Western Eyes. Feminist Scholarship and Colonial Discourses*, *Feminist Review* 30/1988, pp. 65-88.
- Molyneux, M.: *Analysing Women's Movements. Development and Change*, 1998, pp. 219-245.
- Nazir, S.: *Women's rights in the Middle East and North Africa*, New York 2005.
- Norton, A.: *Civil Society in the Middle East*, Leiden 1995.
- Nusair, I.: *Gender Mainstreaming and Feminist Organizing in the Middle East and North Africa*, in: *Women & War in the Middle East*, from N. Al-Ali and N. Pratt, London 2009, pp. 131-157.
- O'Donnell, G. / Schmitter, P.: *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, Baltimore 1986.
- Pateman, C.: *The Sexual Contract*, California 1988.
- Phillips, A.: *Religion. Ally, Threat, or just Religion?*, in: *A Debate on the Public Role of Religion and its Social and Gender Implications*, from J. Casanova and A. Phillips, Geneva 2009, pp. 35-59.
- Plattner, M.: *Democracy without borders? Global challenges to liberal democracy*, Lanham, Md. 2008.
- Pollard, L.: *Egypt. Early 20th century to present*, in: *Encyclopedia of Women & Islamic Cultures. Methodologies, Paradigms and Sources*, Vol. 1, S. Joseph, Leiden / Boston 2003, pp. 204-207.

- Richards, A. / Waterbury, J.: *A Political Economy of the Middle East*, Boulder, Colorado 2008.
- Roded, R.: *Women in Islam and the Middle East*, London 1999.
- Sadowsky, Y.: *The New Orientalism and the Democracy Debate*, in: *Political Islam, Essays from Middle East Report*, from J. S. Benin, pp. 33-50, California 1997.
- Said, E.: *Orientalism*, London 1993.
- Shukri, S. J.: *Social Changes and Women in the Middle East*, Aldershot 1999.
- Siapno, J. A.: *Political Science*, in: *Encyclopedia of Women & Islamic Cultures. Methodologies, Paradigms and Sources*, Vol. 1, S. Joseph, Leiden / Boston 2003, pp. 404-411.
- Sonneveld, N.: *Khul' Divorce in Egypt: Public Debates, Judicial Practices, and Everyday Life*, Cairo 2012.
- Teixeira, N. S.: *The International Politics of Democratization: Comparative perspectives*, UK 2008.
- Toppert, L. / Nazir, S.: *Women's Rights in the Middle East and North Africa. Citizenship and Justice*, Maryland 2005.
- UNDP: *The Arab Human Development Report 2005. Towards the Rise of Women in the Arab World*, New York 2006.
- Waylen, G.: *Engendering Transitions. Women's Mobilization, Institutions, and Gender Outcomes*, Oxford 2007.
- www.ncwegypt.com: *The National Council for Women (NCW), Women Empowerment through Coalition Building with the Civil Society*, Cairo 2010
- Yount, K. M. / Rashad, H.: *Family in the Middle East. Ideational change in Egypt, Iran and Tunisia*, UK 2008.
- Yuval-Davis, N.: *Gender & Nation*, London 1997.
- Zubaida, S.: *Islam and nationalism: continuities and contradictions*, in: *Nations and Nationalism*, Vol. 10, No. 4, 2004, pp. 407-20.
- Zubaida, S.: *Law and Power in the Islamic World*, London 2005.

---

**NOTES**

- <sup>1</sup> For example, Nawal El Saadawi.
- <sup>2</sup> Civil Society Organisation.
- <sup>3</sup> It was in fact a military coup d'état staged by the Free Officers on 23 July 1952.
- <sup>4</sup> Own analysis and illustration of data.
- <sup>5</sup> This was asserted by Mona Abeid at the Euro-Mediterranean Association (EMA) Conference in Berlin on 10 October 2013.