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The American University in Cairo
School of Global Affairs and Public Policy

*From Gender Equality to Gender Justice:
The Egyptian Revolution and Public Sphere Debates*

A Thesis Submitted to the Cynthia Nelson Institute of Gender and Women's Studies in partial fulfillment of the requirements for the degree of Master Arts in Gender and Women's Studies in the Middle East and North Africa

Specialization in Gender and Justice

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Under the Supervision of Dr. Martian Rieker

December 2013

DEDICATION

I dedicate this thesis to all women, who fight for their dignity and rights during this difficult time, especially along the current Egyptian justice system; hoping that one day justice will prevail in the society, and women's rights will be achieved. I also dedicate this work to all those who advocate for justice upon the less fortunate and vulnerable members of the society.

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First, I would like to thank God for your blessings and for giving me the inspiration to reach what I have accomplished in life until this moment.

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Last but definitely not least, I would like to express my gratitude for having such a wonderful family and friends without their support; I would have never reached what I have reached today. I don't think there are enough words to describe my appreciation for my mother's support and grandfather's prayers. You are one of God's blessings and I wish I could always make you proud. Also I would like to take the opportunity to reveal my love to my father, wishing he would be proud of his young daughter who will always miss him. To the rest of my family members and friends, you are the best and I will always be thankful for having you in my life. Finally, I would like to thank my colleagues at AMERA for their understanding and for always being supportive.

ABSTRACT

The American University in Cairo

Heba El Azzazy

*From Gender Equality to Gender Justice:
The Egyptian Revolution and Public Sphere Debates*

Supervised by Dr. Martina Rieker

Living in an era of a global gender agenda in which concepts and frameworks travel across the world presents many challenges when it comes to discussions of women's rights in Egypt. In the decade preceding the January 25, 2011 revolution, significant progress was made regarding Egyptian women's legal rights, especially in the domain of family law reform. Hence expectations were high that Egyptian women's rights would advance following the Jan 25, 2011 revolution. Unfortunately with the transformations of the political landscape suggested otherwise. During the rule of the Muslim Brotherhood between 2011 to June 2013, several women's rights legislations were revisited and several attempts and concrete steps were taken to repeal certain family laws that had been regarded as gains for Egyptian women. This thesis explores the different strategies, tactics and engagement that women's rights advocates adopted during this period. While the global conception of gender equality was one of the main frameworks adopted in Egypt to promote women's rights prior to the revolution, in this thesis, I explore the tensions between women's rights legal activists and the Muslim Brotherhood regarding conceptions of gender equality and gender justice.

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**Chapter 1:
The Gender Agenda in Post Revolutionary Egypt:
An Opportunity or Setback for Women?**

In the decade prior to the January 25, 2011 revolution, significant progress was made regarding Egyptian women's legal rights, especially in the domain of family law reform (Hefny, 2008). With the significant role played by Egyptian women in the January 25th revolution, expectations were high that women's rights would be an integral part of the unfolding processes of social change (Saleh, 2011a). During the eighteen days of the beginning of the revolution, women from different social classes marched in the streets of Egypt and camped in Tahrir Square calling for social justice without objections from any political forces. Unfortunately, rather than accelerating this process, the unfolding transformations in the political landscape since the onset of the revolution until mid-2013, has instead raised concerns on the part of women's rights activists regarding women's rights and the future of legal reforms. The parliamentary elections following the January 2011 revolution in Egypt brought the Islamist led Muslim Brotherhood movement to power and the Muslim Brotherhood candidate Mohamed Morsi captured Egypt's presidency. Only after the toppling of President Morsi, on July 2nd 2013, women's rights advocates concerns that the political ascendancy of Islamist groups will set women's rights back came to an end. In the words of Dalia Ziada, director of the Ibn Khaldun Center for Development Studies, "the situation for women in [Egypt] was better under Hosni Mubarak than it was under the Muslim Brotherhood" (as cited in Gabbay, 2013).

In these two and a half years, from 2011 until June 2013, the ascendancy of Islamic political parties and their domination in the 2011 Egyptian parliament provided a significant opportunity for them to advance their political goals. Intense parliamentary debates centered on

challenging the gains made in the personal status law reform in the year 2000, such as *khul* law, securing mothers' rights after divorce and reducing girls' marriage age (Abdoun, 2012). In their defense for attempting to revoke previously established family law, parliamentary representatives of the Muslim Brotherhood derived from the Freedom and Justice Party (FJP) and the Nour Party (Salafist), among others, argued that these laws are against Islamic shari'a and have destroyed the unity of the Egyptian family; over and above, they posited, the 2000 laws are the outcome of the autocratic National Democratic Party (NDP) regime (Leila, 2011). In this thesis, I will be referring to the Muslim Brotherhood and the FJP interchangeably. These debates on repealing personal status laws that were among the significant accomplishments of women's rights activism in the 1990s and were widely regarded as gains for Egyptian women, took liberal feminists by surprise. Subsequently debates regarding the new Egyptian constitution, especially concerning the absence of the previous constitutional article that guarantees equality between men and women as long as it did not undermine Islamic values (article 68), heightened the tensions and anxieties among women's rights activists (Walt, 2012; "UN Experts", 2012).

Given these transformations and the emergence of an influential Islamic party infrastructure between 2011 and mid-2013, women's rights organizations and activists were forced to think of ways to engage and challenge the assaults on women's legal rights and international conventions ratified by Egypt in the past and formulate new tactics, strategies, tools and mechanisms to advocate for advancing women's legal status in Egypt. According to Gihan Abouzeid (as cited in Montasir, 2013), a United Nation Population Fund (UNFPA) consultant, since the revolution women's rights groups have been working in what she termed a reactionary way rather than developing new ideas or tackling deeper issues. This thesis argues that during

that time in Egypt's history a change in tactics was essential, as the previous women's rights lobbying strategies did not seem effective given the political and social transformations. It is essential to note that this thesis research was conducted during a very dynamic period in the history of modern Egypt as changes in political power. Interviews were conducted during the emergence of the Islamic parties infrastructure between 2011 and early 2013.

The question remains open as to the impact of the 2011 revolution regarding women's rights. This thesis explores the resistance against the international gender agenda during the period of the Muslim Brotherhood rule, in addition to understanding more fully how concepts of international gender governance are being navigated by Egyptian women's organizations in post-2011 Egypt.

Living in an era of a global gender agenda in which concepts and frameworks travel across the world, makes the challenges faced by Egyptian women's rights activists daunting. As the United Nations (UN) system has been presented as a global focal point for the setting of international human rights conventions and standards, in this thesis I focus on the concepts of gender equality and gender equity that have been widely promoted by the UN agencies over the past decades (Brody, 2009, p. 50). While the two dominant political parties in the Islamic spectrum, the FJP and the Nour Party, differ widely in outlook, they share a harsh critique of global gender equality policies (O. Abou Bakr, personal communication, December 6, 2012). Taking global gender equity perspectives as the norm for gender equality policies, this thesis traces ways in which women's rights activism in Egypt works within the global frameworks and explores its post-2011 challenges. In light of the complex challenges regarding women's rights activism during the establishment of the Islamist parties infrastructure, this thesis argues that a

shift in tactics to more effectively engage that moment in time was essential. I focus in particular on legal rights activism, which historically has been a defining feature of gender equality discourses and struggles in Egypt.

Over the past few years much attention has been given to the global impact of UN driven gender equity policies. Anne Goetz (as cited in Mukhopadhyay, 2007, p.4) observes that “the term gender justice is being increasingly employed by activists and academics who are concerned that terms like ‘gender equality’ are failing to give a strong enough sense of, or adequately address, the ongoing gender based injustice from which women suffer”. Building on Goetz’s observation, I argue that given the changing political landscape in post-2011 Egypt such a discursive shift, i.e. from gender equality to a gender justice with a deeper grounding in Islamic jurisprudence, provides possibilities for narrowing the gap between women’s rights advocates and various publics concerning women’s rights in Egypt. Drawing on the particular uses of the term in Egypt, gender equality in this thesis refers to only one of its aspects, that is, advancing women’s legal rights (El-Sadda, 2012).

The aim of this research is to challenge the adequacy and efficacy of relying on the concept of ‘equality’ and examine the possibility of moving away from the circular, well defined and deeply consolidated positions that the gender equality approach has produced for over a decade in Egyptian women’s rights discourses. The shift towards a gender justice framework is to highlight and acknowledge the differences between men and women through adhering to the principles of justice (O’Neil, 1989, p. 5).

The Global Gender Agenda: From Gender Equality to Gender Justice

With the consolidation of global gender governance over the past two decades, discourses of gender equality have become integral to global political agendas (Inglehary & Norris, 2003). According to Brody (2009) “many of the reforms associated with government processes have been motivated, to a large extent, by the growing importance of global frameworks and conventions endorsing human rights” (p. 49). Given that over the past years, UN agencies have long played an agenda-setting role on women’s rights, the UN body is currently perceived to be one of the main influential sources on global gender governance (Brody, 2009, p. 49; Weiss 2009). By global governance, Weiss (2009) refers to “the sum of laws, norms, policies, and institutions that define, constitute, and mediate trans-border relations between states, cultures, citizens, intergovernmental and nongovernmental organizations, and the market” (p. 1 – 2). With the potential influence that these institutions have in terms of shaping government policies at local levels concerning gender equality and women’s rights, it is crucial to get an understanding of how the concept of gender equality has evolved over time.

According to Pietila (2002) and the United Nations Department of Public Information (1997) this shift in women’s rights discourses was gradual, and emerged out of UN efforts to codify women’s rights in international law between 1945 and 1962. Ensuring what was then termed ‘equality between men and women’ was deemed a vital step in furthering women’s rights. After the Fourth World Women Conference in Beijing in 1995 the concept of ‘gender equality’ became formally incorporated into the UN framework and the pillar for advocating the advancement of women’s rights globally (Pietila, 2002). The internationalization of the concept of ‘gender equality’ has not been without its critics. Baden and Goetz (1997) argue that “a

significant source of tension has been lack of clarity over the term ‘gender’ [itself]” (p. 116). They claim that states and international agencies did not fully understand the implications of a shift in focus from ‘women’ to ‘gender.’ This certainly is the case in Egypt as it will be highlighted later. Furthermore, one set of arguments hold that ‘gender equality’ discourse makes men the benchmark through which women measure their rights, as MacKinnon (as cited in Ali, 2000) put it, “man has become the measure of all things” (p. 236). Other arguments note that ‘gender equality’ fails to take into account the special needs of women (Ali, 2000). Ali (2000, p. 236) argues that the “international human rights legal system appears to function on the premise that formal equality translates into substantive equality.” Rees (1998, as cited in Walby, 2005) identifies three different conceptualizations or models of ‘gender equality’ that have emerged:

The first model is one in which equality based on sameness is fostered, especially where women enter previously male domains, and the existing male norm remains the standard. The second is one in which there is a move towards the equal valuation of existing and different contributions of women and men in a gender segregated society. The third is one where there is a new standard for both men and women, that is, the transformation of gender relations (p. 455).

While the meaning of ‘gender equality’ differs widely across different domains, spaces and time, the instability of the term has likewise made the analysis of the effects of UN policies on women’s rights complex (Mukhopadhyay & Singh, 2007). According to Mukhopadhyay (2007, p. 3) “gender mainstreaming, which represents the main strategy for pursuing gender equality through development, has lost its credibility as a change strategy; [hence] it is in this context that the language of justice, rights and citizenship is being brought back.” In her book *Gender Justice, Citizenship and Development*, Mukhopadhyay (2007) starts by arguing that after 10 years

of promoting the concept of gender equality following the Fourth World Conference on Women in Beijing, inequality still persists along with resistance in various political environments for promoting equality. She locates the reasons for this in the fact that “gender mainstreaming initiatives [have] moved from being a process of transformation to an end in itself pursued with solely instrumentalist intent” (2007, p.1). Mukhopadhyay identifies the central problem as the difficulty of finding a fit between the technical project of mainstreaming gender equality in policy, programmes and projects, and the political project of challenging inequality and promoting women's rights (2007, p.1). Along similar lines Goetz (2007) observes that the use of the term gender justice has been emerging among activists and academics who worry that the terms ‘gender equality’ or gender mainstreaming fails to send the messages intended and are inadequate to address injustices from which women suffer (p. 15). In her explanation for selecting to rely on gender justice, Goetz highlights the unique elements that the gender justice concept presents:

First, women cannot be identified as a coherent group along with other sets of disempowered people such as ethnic minorities or socially excluded immigrants. Second, unlike any other social group, relationships between women and men in the family and community are a key site of gender-specific injustice, and therefore any strategy to advance gender justice must focus on power relations in the domestic or 'private' context. Third, the patriarchal mindsets and social relations that are produced in the private sphere are not contained there, but infuse most economic, social and political institutions.

Goetz further differentiates between gender justice as an outcome and gender justice as process. She argues that “gender justice as an outcome implies access to and control over resources, combined with agency (the ability to make choices), however, gender justice as a process implies

the responsibility and answerability of precisely those social institutions set up to dispense justice” (2007, p. 31). Goetz (2007) contends that the term gender justice “provides a direct reminder of this problem of institutionalized bias by reminding us that justice itself, in its conception and administration, is very often gendered, responding to a patriarchal standard derived from the domestic arena” (p .2).

This thesis draws on Goetz’s notion of gender justice as a process, that is, it seeks to trace ways in which disputes are settled, legal norms are established and enforced, and how power operates within the institution of the family. Yet, this also begs the question as to what exactly is meant by justice? Who gets to decide what justice is? How should justice be measured? Is there a single notion of justice? An influential recent engagement with questions of justice is the work of Fraser. In *Scales of Justice*, Fraser (2009, p. 13) argues that “in the eyes of some people, justice sufficed that citizens be formally equal before the law; for others, equality of opportunity was also required; for still others, justice demanded that all citizens gain access to the resources and respect they needed in order to fully participate on a par with others, as full members of the political community”. In a recent interview, Fraser (2010) observes: “justice for me is about dismantling obstacles to parity that are institutionalized in unjust social arrangements”. Following Fraser’s argument then there are no fixed definitions of justice, rather justice is always conditional. In a similar vein Goetz (2007) points out that the term gender justice is rarely given a precise definition and is often used interchangeably with notions of gender equity, women's empowerment, and women's rights. Despite the open-ended category of justice and gender justice, these terms are nonetheless operationalized within different frameworks that women’s rights advocates worldwide select to adopt and work within navigating specific national settings.

These global gender agendas have been subject to a rich and diverse debate within Muslim majority countries. According to Mir-Husseini (2009), an Iranian Muslim activist and a founding member of Musawah (Global Movement for Equality and Justice in the Muslim Family,) a dominant perception among women's rights activists is that religion overall, and Islam in particular, is perceived as a barrier to gender equality as objections to comply with international treaties are usually justified with Islamic law. For example, the Convention of Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979 by the UN general assembly "to ensure the equal rights of men and women to enjoy all economic, social, cultural, political, civil and legal rights" (Text of the Convention on the Elimination, n.d.), was ratified by Egypt and most Muslim majority countries with reservations based on the criteria that it doesn't run counter to shari'a. Consequently, women's rights in Islam have become the most common point of contention raised by global human rights commentators, suggesting that Islam is the main reason behind women's restrictions, inclusions and discrimination in Muslim majority countries (Krivenko, 2009).

The majority of CEDAW reservations argue that Islam put forward notions of complementarity and balance in gender rights and duties within the family instead of equality. Mir-Husseini (2009) explains that "these notions premised on a theory of the 'naturalness' of Shari'ah law, are formulated as follows: though men and women are created equal and are equal in the eyes of God, the roles assigned to men and women in creation are different, and classical fiqh rules reflect this difference" (p. 41). On one hand, feminist scholars such as Azizah al-Hibri, Riffat Hassan, Asma Barlas, Amira Sonbol, Mir-Husseini and Amina Wadud argue that differences in rights and duties, do not necessarily translate into simple inequality or injustice, if

correctly understood, they are the very essence of justice, as they are in line with human nature” (as cited in Moghadam, 2004, p. 8). These scholars further seek to show the egalitarian and emancipatory content of the Qur’an, which they maintain has been hijacked by patriarchal interpretations since the early Middle Ages (Moghadam 2004, p. 8). On the other hand, religious scholars such as former Al Azhar Sheikh Gadel Hak Ali argues that the notion of equality between men and women requires a change in the traditional roles of men and women in society and family and disregards the nature of men and women. Speaking out against Egypt’s ratification of CDEAW, he notes that the Qur’an and Sunnah do not allow for such changes (as cited in Musawah, 2009). These contemporary positions differ significantly from those expressed in other historical moments. For instance, at the beginning of the twentieth century, the father of Muslim modernism, the jurist Muhammad Abdou, encouraged Muslims “[to] do what they should have always done; that is to say, reinterpret their law and adapt it to modern problems related with the family law and the legal status of women” (as cited in Jenefsky, 1991, p. 221). Given the diversity of positions within modern Muslim debates, many scholars draw on Abdou and early modernist arguments in support of the necessity of re-interpreting shari’a, noting that the point is not to change religious texts but to highlight their historically embedded interpretations and explore possibilities for reforms (Mir-Hussein, 2009; Shah, 2006). This is a key point in the current debates over women’s legal rights in Egypt, and at the core of ongoing strategies by diverse women’s rights advocates.

As a result of the high profile nature of these contemporary debates in Muslim majority countries and in Egypt, Islam is perceived internationally as the most powerful barrier to the rising tide of gender equality (Inglehart & Norris, 2003). Influential writers such as Al-Marzouqi

(2000) and Arkoun (1994) insist on the fundamental incompatibility of these two positions due to the avowedly secular base of international human rights discourse of which women's rights are part of. The intervention of Abdullah Ahmed An-Na'im (2000) has become significant in moving beyond arguments wedded on absolute difference. An-Na'im argues that bridging the gap between Islamic conceptions and universal standards of social justice and freedom are possible through exerting simultaneous efforts to critically revisit Islamic discourses and encouraging cross-cultural dialogue between societies. An-Na'im's focus on synergy and mutual influence rather than permanent antagonism is useful for this thesis keeping in mind that establishing justice among people is as an integral part of Islamic teachings despite the fact that men and women are entitled to different laws within Islamic family law.

A Glimpse of History: Egyptian Women's Movements and Legal Reform

In the aftermath of the Egyptian revolution of 2011 discourses of foreign agendas set in place at the onset of the revolution on the part of the NDP state have attached themselves to numerous domains and continue to inhabit various spaces in the public sphere. The Egyptian women's movement has been navigating this particular space for many decades, variously accused of emulating international values and hence disconnected from Egyptian society and Islamic culture (cf Ali, 2000, Abu-Odeh, 2004). Post-January 2011, attacks were directed towards most of the international conventions that Egypt has ratified during the NDP regime, especially CEDAW and the recent UN bill that seeks to combat all forms of violence against women and girls an outcome of the 57th session of the Commission on the Status of Women that took place March 4 to 15, 2013.

In 1980, Egypt ratified CEDAW with reservations, treaty compliance constituted a significant part of the historical struggle for advancing women's rights in the postcolonial Egyptian state. The reservations to CEDAW's article 16 address the contradictions between the treaty and shari'a based on personal status laws that governs family relations in Egypt. The reservations are worded as follows: "Egyptian family law accords complementarity and equivalence of marital rights between partners and not the exact "sameness" that is mandated by the convention" (as cited in Jenefsky, 1991, p. 227). While equality between women and men within international conventions measures women's rights, Egyptian personal status law is based on the complementarity of men's and women's roles in the family (Inglehary and Norris, 2003). The concept of equivalency and complementarity of rights and duties among partners in the family is believed to "guarantee true equality" by the majority of Islamic activists in Egypt, arguing that roles are truly different "but of equal value" (cf Cook as cited in Jansen, 2007, p. 197; Jenefsky, 1991 p. 228; Naguib & Lloyd, 1994). Four areas in personal status law have been the subject of women's rights legal activism in particular: marriage, divorce, inheritance and polygamy. In brief, while women are entitled to receive a dower as their personal property upon marriage as well as receive maintenance after divorce, women are granted these rights in exchange for the husband's unilateral right to issue a divorce without her consent. The balance is between the economic duties of a husband versus the legal entitlements of a wife (Jansen, 2007, p. 187; Jenefsky, 1991, p. 228).

A vast academic literature and women's movements literature has been analyzing, debating and working towards legal reform over the past few decades. The debates can variously be divided between positions that push for the complete secularization of law and those that

recognize that a reform process needs to be grounded in people's sense of what constitutes justice (Abu-Odeh, 2004). In Lama Abu-Odeh's (2004) article "Modernizing Muslim Family Law: The Case of Egypt," she critiques the exclusive preservation of Islamic law in the domain of family matters during the second half of the nineteenth century (p. 1046). Abu-Odeh, a Palestinian-American scholar known for her extensive writings on Islamic law, when asked about her approach in writing on this topic she says "my approach is to complexify the situation of women in Islam so that the stereotypes about them do not hold" ("Institute for Middle East Understanding", n.d). In her critique she addresses the inequality between men and women that Egyptian family law sustains while giving men the absolute right for divorce while women must apply to the courts (2014, p. 1145). Abu-Odeh counters the advocates objecting to the secularization of family law by arguing that the secularization of family laws would contribute to the expansion of modern rights for Egyptian women. In contradistinction, Al-Hibri (1997) and Shah (2006) argue that the intention of Qur'an is to raise the status of women in the society, not to relegate them into subordination, hence possibilities for reform must one way or the other engage religious frameworks. Azizah Al-Hibri, (as cited in Baderin, 2007) well known for her work for the advancement of women's rights under Islamic law, proposes that legal reform requires the building of a solid Muslim feminist jurisprudential base that can put together effective arguments that underscore that Islam not only grants women their rights, but also demands these rights for them (p. 17). This thesis argues that an engagement with Islamic law in this historical period is essential for bridging the gap between women's rights activists and the larger public for advancing women's rights and enhancing women's status in post- 2011 Egypt.

The literature on the Egyptian personal status law reform in the year 2000 illustrates one of the most successful campaigns in the history of Egyptian women's rights legal reform. A fifteen year campaign to facilitate divorce for Egyptian women culminated in the *khul* law (cf Al-Sharmani, 2007; Jansen, 2007; Mashhour, 2005; Singerman, 2005). *Khul* law grants women the right to file for a "no-fault" divorce on the basis of incompatibility, without having to provide evidence of harm. Composed of a wide range of actors and movements this reform process was able to turn the Islamic religion into an asset, rather than a liability by drawing on the vast and historically diverse interpretive possibilities. While women's rights activists perceive *khul* law as a positive step towards enhancing women's legal rights and status in the family, many see these reforms as a mere first step (Al-Sharmani, 2007; Jansen, 2007).

Following the *khul* law, in 2004 Law 10 introduced new family courts with the aim of establishing a "legal system that is non-adversarial, attentive to the best interests of the family, accessible and affordable" (Al-Sharmani, 2007, p. 3). The Egyptian hub of the Pathways of Women's Empowerment initiative which examined the effectivity of the family courts three years after their inauguration concluded that "strengthening women's legal rights is weakened by interrelated problems of legislative gaps, lack of effective implementation mechanisms, and the gender politics of the actors involved in the legal process" (Al-Sharmani, n.d, p. 8). The Pathways of Empowerment project identified a myriad of problems with the new family courts, the most significant for the argument here being the social perceptions of judges, lawyers, and mediation specialists regarding female sexuality, female rationality, and gender roles with their primary concern being the preservation of the marriage (Al-Sharmani, 2007). Al Sharmani (2010) defines the Egyptian model of Islamic marriage as follows:

Islamic marriage is based on a contractual agreement between a man and a woman in which the husband has the duty to provide for his wife and their offspring and in return, the wife avails of herself to him and puts herself under his authority and protection. The husband's exclusive right to his wife's sexual and reproductive labor is earned through and conditioned upon his economic role. This model of marriage does not recognize shared matrimonial resources. Whatever possessions and assets the wife brings to the marriage remain hers. Likewise, apart from maintenance for herself and her children, the wife cannot make claims to resources acquired by the husband during marriage. In addition, the husband has unilateral right to repudiation and polygamy (p. 64).

Many women's rights activists have noted that this idealized model of marriage, which envisions the husband, as the main provider no longer, if ever, reflects the realities of most Egyptian marriages. Statistics show that up to 41 % of Egyptian households are now female-headed, not to mention the large percentage of women engaged in salaried work that contributes to the income of households (Molloy, 2012). This idealized image furthermore prevents the possibility of opening up serious debates regarding the issue of shared marital wealth as discussed in chapter three. In an interview with Al-Sharmani in August 2012 regarding current divorce processes she notes the imperative of revisiting the current contractual model of marriage in Egypt. According to a Human Rights Watch report (2004, p. 1), "Egyptian women are at a distinct disadvantage in access to divorce for no reason other than that they are women." According to the current family law, Egyptian men have unilateral and unconditional right to divorce their wives; they never need to enter a courtroom to end their marriages, unlike Egyptian women, who must resort to the

backlogged and inefficient Egyptian courts to divorce their spouses (HRW, 2004, p.1). For a woman to request divorce, she has to provide a proof of harm to the courts, which is difficult to provide as tensions and disputes usually happen inside the boundaries of the household, and it is rarely possible to find a witness to support her claim in court. Thus, following personal status law reforms in 2000, many Egyptian women have opted for divorce within the *khul* framework, which obliges them to forfeit their financial rights in exchange for a simplified divorce process. Due to the limited available options for women, they are caught between two options “either [to] remain in an unwanted marriage and possibly endure physical and psychological abuse, or beg their husbands to divorce them, giving up everything they own and cherish in return” (HRW, 2004, p. 1). Hence, many women chose to forfeit their rights in exchange for a life of dignity and safety. Given that love and compassion (*mawada wa rahma*) are the principles of marriage in Islam, according to Al-Sharmany, it is high time to acknowledge that in the absence of any of these prerequisites, divorce should be attained if one of the partners asks for it (Al-Sharmani, personal communication, August 17, 2012).

In 2010 the Network of Women’s Rights Organizations (NWRO), drafted a legal guide “for developing a more just integrated family law” suggesting raising girls’ marriage age to from 16 to 18, restricting a husbands’ rights to unilateral divorce and polygamy, and facilitating women’s access to *khul*. The Center of Egyptian Women Legal Assistance (CEWLA) and the National Council of Women (NCW) likewise began to discuss the need for a new comprehensive family law following the success of the year 2000. Reasons for the qualified support of the NDP regime for legal reform are numerous. According to Al-Sharmani (2007), the 2000 personal status law reform was a mean by the state to strengthen international support and funding. On the

national level the limits imposed on the reform process enabled new engagements with some of the Islamic political opposition. Although fiercely debated in the 1999 parliament, Al-Sharmani, notes that the opposition was by no means unified and included members of the NDP as well as of the liberal Wafd party. Given the importance of the 2000 reform process for women's rights activism, she argues that it is significant to observe that in the memory of the women's movement the struggle is remembered as singular, putting the Islamist opposition against the actors involved in the reform process (Al-Sharmani, personal communication, August 17, 2012).

With the ascendancy of Islamic political parties following the revolution, the role of women in the Egyptian society came into sharpened focus, raising questions as to the stance of the Muslim Brotherhood regarding the rights of Egyptian women and their government's willingness to advocate for the advancement of women's rights. Having said that, it is important to trace the history of the Muslim Brotherhood movement in Egypt and their position on women's rights over the past years. The Muslim Brotherhood has long been a banned Islamist group, yet with their ability to survive and even thrive under the repressive regime of Hosni Mubarak for some writers like Faiqa Mahmoud constitutes evidence of "their ability to evolve, mature, and keep pace with the changing norms of society" [and henceforth present] a new opportunity for the Egyptian women movement to gain momentum and grow in leaps and bounds" (Mahmoud, 2013, p. 4). According to Mahmoud, "even before the revolution, there was mounting evidence of the rising trend of Islamic thought influencing women's rights movements [in Egypt]" (p. 6). She points to the growing number of secular NGOs that have engaged Islamic principles in their work, despite the fact that most of their members consider the rise of conservative Islamist elements a threat to women's rights. Many of these secular women's rights

organizations relied on Al-Azhar University professors to promote women's rights and avoid linking their work with Western ideologies.

One cannot discuss the Muslim Brotherhood stance on women's rights in Egypt without referring to the Muslim Sisterhood comprised of the wives and female relatives of its members. Mahmoud (2013) states that the Muslim Sisterhood was set up as a chapter of the Brotherhood within a few years of its founding in 1928 (p. 11). Over the years with the numerous outreach programs they conducted through their network of charitable organizations, the Muslim Sisterhood succeeded to gain a strong presence in society and within the Muslim Brotherhood party. Mahmoud (2013) describes the role played by the Muslim Sisterhood in reaching out to other women to be "indispensable" (p. 9). The Muslim Sisters adopt a different approach when it comes to women's rights activism, eschewing any alliances with Western feminism or secular women's rights movements. They are keen to emphasize the complimentary of roles between men and women when it comes to family matters, and accuse Western feminism to be "excessively individualistic and anti-family" (Mahmoud, 2013, p. 9). Although women comprise fifty percent of the Muslim Brotherhood members, "historically, they have had no say in the running organization, they have never voted for the party leadership and neither have any women ever been rewarded for their contribution with any official position. Most women have primarily been engaged in *da'wa* (teaching the message of Islam) and charitable social work" (Mahmoud, 2013, p. 10). It is only in 2011 after the ascendancy of the Freedom and Justice Party to power, that members of the Muslim Sisterhood engaged the media and talking explicitly about women's rights.

The Politics of Translation

Given the conceptual dominance of English in global gender governance, it is important to pay close attention to the politics of translation. With the globalization of gender governance and the UN's conceptual framework setting the agenda for women's rights advocacy in local NGO contexts, it was essential to bring the debates on the politics of translation of global concepts into Arabic. A UN Women internal document used by the organizations employees in Egypt, defines gender equality as follows:

males and females have equal rights, freedoms, conditions, and opportunities for realizing their full potential and for contributing to and benefiting from economic, social, cultural, and political development. It also means society values males and females equally for their similarities and differences and the diverse roles they play. It signifies the long-term outcomes that result from gender equity strategies and processes (USAID as cited in "UN Women Egypt", n.d.).

Scott (1998), reminds us that "deconstruction is, an important exercise, for it allows us to be critical of the way in which ideas we want to use are ordinarily expressed or exhibited in patterns of meaning that may undercut the ends we seek to attain" (p. 38). 'Gender equality' continues to have a major influence in shaping Egyptian women's rights discourse. Given the changes in the political infrastructure in Egypt between 2011 and mid-2013, this thesis argues that relying on a gender equality framework in order to preserve previous gains, and advocate for further legal reforms to advance women's legal rights post-January 2011, would have simply been self-defeating.

In order to examine the reasons behind the resistance to ‘gender equality’ frameworks by discrepant publics in Egypt, it is necessary to explore in the first place how global concepts are being translated and circulated within Egypt. Samia Mehrez, founding director of AUC Center for Translation Studies, (2007) describes the translation of ‘gender’ into Arabic “to be a history of cross-cultural communication and translation of knowledge” (p. 109). In the translation debates two main positions emerged: gender as *jindar*, an exact importation of the English term and pronounced as such, or *al-nau’ al-ijtima’i*, referring to socially constructed categories (Mehrez, 2007). In contradistinction, *musawah* the Arabic term for equality, has its roots in the Arabic language; its meanings remain as insecure as its English term (Kamali, 2002, p. 48). In the research conducted for this thesis, be it in the media or in interviews with women’s rights advocates, *musawah* is used to stress the importance of guaranteeing both women and men their rights on exact sameness, in relation to family law, despite that the term *musawah* never refers to exact same rights between men and women. Vivian Thabet, Women’s Right Program Director, CARE Egypt notes that referring to equality never means exact equality in rights between men and women, stressing that the meaning of *musawah* is grounded in a given society’s understanding of the term (Thabet, personal communication, November 6, 2012). Even though specific Arabic words are used to translate gender and equality separately, when referring to the concept ‘gender equality’ it is not translated as *al-musawah bein al-jindar* (gender equality) or *al-musawah bein al-nau’ al-ijtima’i* (equality between social categories). In its Arabic language publications UN Women (2011b) translates ‘gender equality’ as *al-musawah bein al-jinsyn* (equality between the sexes). *Al-jinsyn* is the plural for the word *jens* (sex), which refers to men and women. Yet, in the print media for instance it is translated as *al-musawah bein al-ragol wal-*

mar'a (equality between men and women). Given the variety of translations of gender in Arabic, Mehrez (2007) argues that “ideas of socially constructed identities of formation and of performance, all of which are packed into the concept of gender as we understand it today, are lost,” especially, that most of the time in Egypt the term gender is used as a synonym for women (p. 112). The politics of translation and local engagements with UN gender governance principles constitutes the domain around which my argument develops through out this thesis.

Thesis Outline

Following the January 25th revolution and the emergence of powerful Islamic political parties, Egypt has undergone fundamental changes that attempted to affect the country years to come. The strong presence of Islamic political parties in the 2011 parliament raised serious questions as to the future of legislative transformations. During that period of time, for many women legal rights activists the struggle was no longer pushing for further advancement of women’s rights based on the year 2000 reforms, but rather attempting to secure what has previously been achieved. This thesis examines the impact of the global gender agenda during the ascendancy of Islamic infrastructure political parties post-2011. It furthermore takes into account the different strategies, tactics and engagements that women’s rights advocates adopted during this phase within the Egyptian public sphere.

Questions of how these issues are debated and engaged in the public sphere is one domain that requires careful scrutiny. Chapter two pays particular attention to ways in which notions of gender equality and gender justice are debated during this period particularly by well-known gender rights activists in the print media. The articles selected are mainly published in the three

most influential Egyptian newspapers with the widest circulation during 2011 and mid-2013, *Al-Ahram* (the state owned paper) and the two independent newspapers *Al-Shorouk* and *Al-Masry Al-Youm*. The reason behind choosing these newspapers in specific is to include diverse point of views by engaging the position of a government-affiliated newspaper in comparison to independent newspapers.

Based on interviews with women's rights organizations, both local subsidiaries of international organizations and Egyptian NGO's, chapter three focuses on how women's rights work not only navigated the complex situation, but also investigates their perceptions of possibilities and strategies for continuing their work. Much of this energy was devoted to engaging various publics in thinking through women's rights issues and their own stakes in them, hence the in-depth interviews upon which this chapter is based explores how the conceptual frameworks of 'equality' versus 'justice' was deployed in community work by these organizations.

Given the hostility of the ruling party to international gender governance, chapter 4 illustrates one of the most debatable topics around the future of Egyptian women rights highlighting the gap between the gender agendas adopted by the ruling party and Islamic political parties that came to power post-January 25th, and the global gender agenda promoted by the UN. While violence against women has become a red thread in public debates since the onset of the revolution, this chapter focuses on the Muslim Brotherhood rejection of the UN declaration promoting the elimination and prevention of all forms of violence against women and girls. Concomitantly domestic violence features predominantly in current international

governance debates, agendas and resolutions; this chapter explores how legal rights activists strategize within Egypt between these multiple political domains.

The concluding chapter sums up the arguments, highlighting the difficulties presented to women's rights activists during the Muslim Brotherhood rule and suggests ways in which changes in strategy were adopted as an attempt to navigate these dilemmas. Finally, the chapter briefly sheds lights on women's rights activism post-June 2013, after the toppling of President Mohamed Morsi, which liberal women's rights advocates see as a correction of the path of the revolution.

Chapter 2

Women's Rights Activism & Media Discourses: The Urge to Protect Previously Acquired Rights

Locating the pre-revolution reform initiatives regarding women's legal rights, especially family law reforms, as a legacy of Mubarak's autocratic regime and hence in need of remaking was the focus of political parties within the Islamic spectrum. Debates on the future of women's rights in Egypt took the lead in Egypt's first parliament post-January 2011. Global and local media coverage of these debates raised the question if the so-called Arab spring was a 'male' spring. Numerous media channels, at that particular time, echoed the question if the Egyptian revolution was good for women or not. Far from women's rights defenders predictions that the January 2011 revolution would advance Egyptian women's rights, steps taken to repeal laws that were seen as gains for women, such as *khul* law, custody law and reducing girls marriage age, left pro-gender equality activists in a state of shock. Their surprise was not only related to the positions taken regarding women's rights but especially the timing of these debates and the excessive attention on women's legislations as if it was the main priority of the state during this transitional historical period (Saleh, 3011b). Between January 2011 and mid-2013, prominent women's rights activists, intellectuals, religious figures and reporters increasingly relied on media as a tool for engaging the public regarding the on-going debates on the future of Egyptian women's rights post-January 2011.

Murdock (as cited in Sakr 2004) argues that "media industries play a pivotal role in organizing the images and discourse through which people make sense of the world" (p. 2). Hence, this chapter explores ways in which women's rights were debated in the Egyptian print

media following the onset of the revolution, with a particular focus on women's rights legislation. I mainly draw on print media debates in *Al-Ahram*, the largest government owned newspaper, *Al-Masry Al-Youm* and *Al-Shorouk*, two independent newspapers with the widest circulation in Egypt. While print media is generally overseen by the state in Egypt, yet criticism of the ruling regime varies significantly depending on the newspaper's ownership. For instance, during the Mubarak era, the state owned newspaper like *Al-Ahram* would steer away from criticizing the government, while writers in privately owned newspapers would have more space for navigation. During the time of the research, an average of 40 articles and columns were published in these three newspapers covering the different debates on the future of Egyptian women's rights in the aftermath of January 2011 revolution. From these articles, it is clear that although the revolution and the ensuing political and social changes brought new challenges to the struggle for women's rights, it has also opened up new levels of freedom in the press that gave women's rights advocates a forum to openly criticize setbacks to women's legal rights.

Comparing the content and approaches taken by these three newspapers regarding women's rights the following could be observed. *Al-Ahram*, despite being a government owned newspaper, mainly voiced the National Council for Women (NCW) critiques against the ruling party when it came to women's rights. Several interviews conducted with the NCW president Ambassador Mervat Tallawy, were published over these two years and half. In most of her interviews Tallawy expressed her concerns of the Muslim Brotherhood gender agenda and the need to fight for advancing women's rights along with protecting the previous gains accomplished by the Egyptian women's rights movements over the past years. *Al-Masry Al-Youm*, on the other hand, seemed to adopt a universal pro-gender equality approach. Out of

desperation to control the attacks on women's legislations, most of the articles published focused on the impact of global gender governance body and called for adherence to global norms and obligations. *Al-Shorouk*, on the other hand, became a platform for women's rights advocates, intellectuals and religious figures.

Before discussing the advocacy strategies that women's rights defenders relied upon in the print media, I will first provide a brief overview of the debates on women's rights in the media discourse post-January 2011 until mid-2013. Following the initial eighteen days of the revolution, in February and March 2011 images in the print media portrayed women's incredible participation in the Egyptian revolution, stressing the key role they played in bringing down the old regime (Helal & Ibrahim, 2011, pp. 8-9). Nehad Saleh (2011a), writer for the women's column in *Al-Ahram*, praises women's active participation noting "Egyptian women have played a vital role during the January 25th revolution that no one in the society can ever deny". However the brief euphoric moment where equality for women seemed to be attainable soon passed. With the ascendancy of the Muslim Brotherhood and the Salafi political parties, the print media quickly became a site for critically engaging the new regimes attempts to reverse the legislative gains made by women during NDP rule. The equation of personal status law reform as embedded in, and hence part of the ideological package of the past regime, has been fiercely resisted by the print media from the outset. Writing for *Al-Ahram* Saleh (2011b), titled her essay "It the Egyptian Revolution Women Participated.. So when will they collect their gains?" (*fy al-thawra al-masrya sharkt.. fa-mata tajny al-themar?*)".

In response to the re-establishment of the new National Council for Women (NCW), newspaper articles focused in depth on the conflict between the Freedom and Justice Party (FJP)

parliamentary members and the members elected to the new NCW (Fathy, 2012; Galawy, 2012). Subsequent parliamentary debates furthered the antagonism. In the first so-called revolutionary parliament MP Azza El Garf (FJP) was the one woman parliamentarian that garnered the media's attention due to her leadership in questioning the previous NDP personal status law reform process, and supporting calls for the cancellation of *khul* law, reducing girl's marriage age and securing fathers' rights after divorce. Unlike the liberal notion that a greater women's representation in parliament would push for more women's friendly legislation, women representatives of the 2012 parliament were either silent or pushed for processes that most women's organizations and activists saw as detrimental to women's well being. On March 2012, Mohamed Al-Omda, Deputy of the Parliamentary Legislative Committee, presented these demands in a draft law to be considered by the new parliament. Fierce criticism directed towards the Muslim Brotherhood in general and El-Garf and Al-Omda in particular unfolded in the secular print media. For instance, Amena Nosseir, Professor of Islamic shari'a and member of the NCW, responded by pointing out to those who claim that according to Islam a girl should be able to get married at the age of 12 "they are ignorant of Islamic shari'a, over and above, they are ignorant of political and economic matters" (as cited in Saleh, 2012a). Along with the concrete steps taken to repeal the personal status law reform of 2000, Saad El-Katatny, the first speaker of 2011 people's assembly, referred the draft child custody bill that attempted to secure fathers' rights after divorce, to the Islamic Research Center (*markaz al-behoth al-islamy*) for review. Responding to this move, Saleh (2012b) titles her article "Mothers' Panic from Child's Custody Bill: Between Custom and Shari'a (*mashrw' qanwn yother faza' al-'omahat: hadanet al-saghyr byn al-'orf wl shar'*).

The battle over Egypt's new constitution heightened the debates on the future of women's rights in Egypt. The absence of the previous constitutional article 68 stressing the equality between men and women as long as it did not undermine Islamic values, was fiercely debated and critiqued in the print media. *Al-Masry Al-Youm's* coverage of the women's rights advocates coalition meeting against the constitution proposed draft, highlighted "16 reasons behind the NCW opposition to the constitutional draft" (2012). When on March 2013 the FJP ruling party condemned the UN declaration promoting to end all forms of violence against women and girls, the print-media played an important role in rallying opposition to the Muslim Brotherhood's position. In response to the 57th session of the UN Commission on the Status of Women (CSW) devoted to discuss violence against women, especially domestic violence, and strategies for intervention, the Muslim Brotherhood on their official website issued a statement on March 13, 2013 condemning the proposed draft (Ikhwan Web, 2013). An intense media discussion ensued that I will explore in more detail in chapter 4. All the above illustrates the rapid evolution of debates on the future of women's rights legislation during the period of Muslim Brotherhood rule. While it is not new for women's rights legislation to be the main battleground for debates in Egypt, what was new were the ways in which the ruling party played a key role in attempting to shape the gender agenda.

Women's Rights Advocates Strategies through Print Media

While there were high expectations for this revolution to strengthen Egyptian women's rights, gender rights advocates suddenly found themselves in the unexpected position where they had to defend previous legal gains made, rather than agitating for additional advancements.

Given the attacks on women's rights legislation many prominent women's rights activists, intellectuals and religious figures were keen to respond to what was happening on ground. With the number of articles published over these two and a half years, the print media became a significant vehicle for women's rights advocates to voice their discontent and critiques of the ruling party gender agenda. While most writers criticized the gender agenda of the Muslim Brotherhood, they do so more on the level of rhetoric more often than not lacking analytic depth.

Although there was clear resistance from the most two powerful political parties, FJP and Nour Party to the global gender agenda, several writers chose to challenge them calling for the implementation of the international conventions that Egypt has signed during the Mubarak era, stressing the necessity to respect international human rights law. Over and above, some writers demanded support from international bodies to intervene and contain the attacks on women's rights legislations (Zeidan, 2011 September 9, 2011). Fatma Khafagy an Egyptian women's rights advocate who worked for 15 years for the United Nations and a board member of the Alliance for Arab Women, published an article in *Al-shorouk* urging adherence to international human rights law and the international conventions that Egypt has ratified, especially CEDAW (Khafagy, 2012). Similarly, Basma Al Mahdy (2012), a writer for the women's column in *Al-Masry Al-Youm*, called on the UN to pay attention to the future of women's rights in Egypt post revolution, and echoed the demand by Human Rights Watch for Hilary Clinton to raise Egyptian Women's Rights in a planned meeting with then President Morsi.

Anger and frustration characterized articles written by three prominent women's rights activists, Nehad Abul Komsan (2012), the director of Egyptian Center of Women's Rights (ECWR), Fatma Khafagy (2012a), and Mona Zulfikar (2012), a prominent lawyer who played a

major role in advocating for *khul* law in the 2000 law reform process. Abul Komsan (2012), titled her article “Extended Battle” (*m’arkh mmt-d-at*) referring to the various forms of discrimination against Egyptian women in the revolutionary parliament. She blamed the state for not offering women the opportunity to participate in the establishment of the new Egypt following the January 25 revolution. Similarly, Khafagy (2012a) in *Al-Shorouk*, wrote that “Egypt will be built by its Men and Women Despite those who Object” (*masr saybneiha regalha we nesaa’ha ragham ‘anf el-mo’areden*). Khafagy’s article was written after the election of the new parliament and before the election of President Morsi. In her article she criticized the role played by government officials in ensuring the advancement of women’s rights in the new Egypt. She questioned the reasons behind their lack of interest in defending women’s rights, suggesting a possible collusion between the rising Islamic movements and the government as an attempt to contain the political situation by compromising on women’s rights. She furthermore criticized the role played by the new National Council for Women (NCW) for its lack of advocacy in presenting women’s rights in post revolutionary Egypt. In her “Messages to the People’s Parliamentary Representatives” (*rasaal le-newab al-sha’ab*), Zulfikar (2012) reminded elected MPs of the political forces that participated in January 25th revolution, insisting that they will not compromise on the revolutions demands, at the heart of which are women’s rights.

Using the same angry tone but framing their arguments in the context of the notion of masculinity embedded in Egyptian society, Azza Kamel (2011) and Marwa Sharaf Al-Din (2012) interpreted the attacks against women’s legislation as a manifestation of principles of masculinity that lead men to resist women’s empowerment and decision-making capacities. Kamel (2011), a well-known Egyptian women’s rights activist, and founding member of the

New Women Research and Study Center in an article published in *Al-Shorouk* argued that masculinity “hatred and brutality” are the main forces behind the attacks on women’s rights in Egypt, stressing that the attackers protect their *fatwa* (advisory opinions) and social practices with the sanctity of religion in order to enjoy wider social acceptance, even though their claims contradict the notion of justice and human rights which are at the heart of religion. She further argued that masculinity has for centuries dominated social discourse in Egypt under the ‘false’ banner of Islam. Sharaf El-Din (2012), a young Egyptian activist requested in a piece in *Al-shorouk* that her readers put aside masculine fears and abandon their desire to control women, restrict their rights and deny them the right to end their unwanted marriages. In her article titled “Take your Hands off Khul.. and Religion” (*'ekhla 'w 'aydekom 'an al-khul .. w al-din*), Sharaf El-Din, referring to El-Omda’s draft law, wrote “we are fed up with all those who claim that Islam has said so and so [], and after we conduct solid research around these matters, we realize that they are just portraying their personal opinions”. She proceeds to draw comparisons between Mubarak’s monopoly on decision making, suggesting that the same type of logic is employed by men who call for revoking *khul* law, by making the decision to end the marriage exclusive for men.

Less angry and more analytical contributions to the contemporary political moment can be found in the writings of Mulki Al-Sharmani (2012), an academic women’s rights activist and Ziad Bahaa El-Din’s (2011), Director of The Egyptian Initiative for the Prevention of Corruption. Published in *Al-shorouk* both authors sought to break down the different justifications brought forth by the ruling party. In response to claims that these laws are the outcome of the NDP’s autocratic regime and hence they should be repealed, both Al-Sharmani

and Bahaa El-Din respectively argued that women's rights reforms were not the produce of the NCW or Suzanne Mubarak, but rather the result of collective efforts of many activists and lawyers who worked for years towards these reforms (Al-Sharmani, 2012; Bahaa El-Din, 2011). In order to reply to those who stated that *khul* law contradicts Islamic shari'a, Al-Sharmani in her article titled "A Call for a Rational Debate Around Khul Law" (*d'wh 'ly nqash 'aql hwl qnwn al-khul*) based her arguments on engagement with Islamic legal precedents. Bahaa El-Din's (2011) in his essay "How Would Women Emerge from the Revolution... Winner or Loser?" (*kyf tkhrwj al-mar'ah al-masryah mn al-thwra.. fa'ezah am khasra?*) held the Egyptian women's rights movements responsible for their role in the deterioration of Egyptian women's status. Unlike all the other activists who either focused on criticizing Azza El-Garf, Mohamed El-Omda or the Muslim Brotherhood's gender agenda, Bahaa El-Din highlighted the failure of Egyptian women movement over the years to establish a grassroots movement.

Other print media contributors supported their arguments with references to Islamic frameworks. Presumably the main intention in doing so was to show that they were not wedded to an exclusively secular approach, and sought to engage any challenge to the ruling party's gender agenda within Islamic discursive structures. Religious figures were keen to respond to these attacks on women's rights, seeing the media as a channel to reach a wide segment of the population, Dr. Ali Gomaa (2012), the grand Mufti of Egypt, in an article titled "Women in the Islamic Civilization.. Women's Rights in Choosing their Husband" (*al-mar'a fy al-hadawra al-'eslameya .. haq al-mar'a fy 'ekhteyar zawjha*), summarized the most important points related to marriage under Islamic law while emphasizing women's right to chose their husbands and end their marriages under the *khul* law. Referring to prominent examples in support of Islam's

position on granting women's rights to end their marriages, Dr. Gomaa recited the story of the wife of Thabet-Ibn-Qays who approached the Prophet Mohamed saying that she would like to separate from her husband only because she doesn't love him, although he is a good man (Gomaa, 2012; Al-Sharmani, 2012).

Reading Egyptian Women's Rights Discourse through the Media

Drawing on Sakr's (2004) argument that media treatment of women reinforces societal views, I argue that the media inconsistent treatment of women's rights debates reflects confusing views on women's rights legislation. Given that equality and justice are the two main keywords that present the cornerstone of this thesis, this section traces terms, expressions and words deployed in the daily print media in relation to women's rights discourse in Egypt. In an article titled "Copts and Women's Rights among the Claim of Tolerance and Equality" (*hqwq al-'qbat w al-mar'a.. byn 'ed'a' al-tasamoh w al-musawah*), published in *Al-Masry Al-Youm*, Reffat El-Saeed (2012), an Egyptian scholar and member in *Al-Tagamo'* party (National Progressive Unionist Party), discussed the difference between granting women rights based on 'equality' or equal citizenship as opposed to 'tolerance' or rights granted by dominant groups or the state on the basis of 'kindness'. Comparing the grammatical roots of *musawah* (equality) and *tasamwh* (tolerance), El Saeed (2012) argued that *musawah* derives from *sewa* (same) and *sawah* (sameness), which refers to *matheloh* (alike) and '*adeloh* (justice). *Tasamwh* (tolerance or forgiveness), on the other hand, comes from the root *samah* (allowing), usually perceived as an act of mercy and generosity since it allows someone to take something that initially is not her/his right.

Unlike the careful attention given to language and meaning in El Saeed's approach, notions of gender equality in the print media discussed above were frequently referred to yet its precise meaning was left open. Some writers used the concept of gender equality as a prerequisite for attaining justice for men and women in Egypt, yet use 'equality' and 'justice' interchangeably, others refrained from referring to equality altogether and instead subsumed women's rights under the larger rubric of justice frameworks. Azza Kamal (2011) argues that while "Egyptian women aim for liberty and justice, it will never be achieved unless we ensure that the principle of equality between women and men in all areas is a fundamental principle of the Egyptian state." Likewise, Fatma Khafagy (2012b) in an article titled "Constitutionalizing Egyptian Women's Rights" (*dastaret heqwq al-mar'a al-masreya*) acknowledged that in order to attain social justice, the principle of gender equality needs to be confirmed in Egypt's new constitution and proper mechanisms need be put in place to guarantee equality. She further stressed on the importance of utilizing a gender-neutral language, i.e. not a generic male reference nouns and pronouns but rather emphasis the aspect of equality between men and women, while writing all the constitution's articles. Kamal and Khafagy's approach linking the advancement of women's rights to the gender equality framework rested on the presumption that attaining women's rights in all areas is fundamental to achieve gender equality. Given that the concept of gender equality in relation to family matters is one of the most contentious matters discussed in the public sphere, some authors avoided tackling the matter explicitly. Most authors referring to Egyptian women's legislation in regards to family laws substituted the concept of justice to the concept of equality between men and women. For instance, Al-Sharmani (2012) set up her arguments such that *khul* law was first introduced by scholars in an attempt to ensure that

justice is achieved. This pattern was detected also in different articles where suddenly arguments would shift away from the gender equality concept as the cornerstone for changing women's legislation and advancing Egyptian women's status. In conclusion, referring to Sakr (2004), I argue that the way the debates on women's legislation was being handled in the media was inconsistent. It highlighted how the Egyptian women's rights discourse did not conform to a singular framework. This left women's rights ambiguous, and left the space open to those that opposed women's rights legislation.

Chapter 3: Women's Rights Activism: Gender Governance, Agency & Agendas

According to Hatem (1992) the role of the Egyptian state and its relationship with women's rights activism has varied according to the continuous pressure women exerted on the state to respond to their demands and needs (p. 248). In this chapter, I aim to highlight that it is no longer just the pressure exerted by local women's rights advocates on the state that is imperative for women's rights legislation, but also the power of international gender governance to push for extending women's rights in local contexts. At the same time, I argue that the discrepancies between the approaches and positions of the different actors and institutions advocating for women's rights within Egypt, the Egyptian women's movement has been weakened by its over identification with the institutions of global gender governance. This chapter explores the different women's rights organizations positions in order to better understand the role they played in shaping Egyptian women's rights discourse during the period of study, but first I will reflect on the pre-2011 period as the agendas of international agencies addressing gender inequality worldwide have heavily influenced the shaping of women's rights activism in Egypt. Ultimately, this chapter will shed light on the different tactics and strategies that international agencies and local women's rights groups adopted during the period of Muslim Brotherhood rule.

According to Al-Ali (2002) and 'Abd Al-Salam (as cited in Abu-Lughod 2010), starting the mid-1990s "the traffic in women's rights was intensified with Egypt's participation in international conferences" (p. 4). This most notably took place after Egypt hosted the

International Conference on Population and Development in 1994 as well as participating in the Fourth World Conference on Women in Beijing in 1995. As a result of such international interaction, a new wave of women's Non-governmental Organizations (NGOs) were established in Egypt with the support of international organizations like Ford Foundation, Population Council and UNICEF (as cited in Abu-Lughod 2010, p. 4). According to a study conducted by the Social Research Center at the American University in Cairo, significant international funds have insured that women's rights and service NGOs became a growth industry in Egypt (as cited in Abu-Lughod 2010, p. 4). International funding posed constraints on the identification of priorities and the selection of projects for local organizations. As highlighted earlier, in chapter one, over the past years the Egyptian government has not been the only institution that addresses gender issues in Egypt, as Brody notes (2009), the institutions of global gender governance, such as United Nations (UN), also set gender agendas that are factored into the decision making process of national governments. In the decade prior to the January 25th revolution, during the reign of the NDP, there was a focus on advancing women's status in Egypt as part of its developmentalist state project, which heavily relied on the support of international organizations and funds. According to Abouzeid (as cited in Montasir, 2013) the advancement of women's causes in Egypt during the NDP rule was hindered by the fact that NGOs operated within a framework of harsh government restrictions and a perpetual lack of funding.

The National Council of Women (NCW), established in 2000, and spearheaded by the ex-First Lady, Suzanne Mubarak, increasingly came to be seen as monopolizing the women's rights movement in Egypt, a process that Lila Abu-Lughod calls "the governmentalization" of women's rights in Egypt (2010, p. 5). While the governmentalization of women's rights played a

major role in consolidating legal reform processes, at the same time it also restricted the work of women's rights groups outside the NCW system. This top-down enforcement of women's law reforms backfired in 2011 and provides the historical background upon which the new Islamic parties based their attacks on the pre-2011 personal status law reform process. Indeed this prevalent public perception associating women's rights activists and their activities with the ex-First Lady, Suzanne Mubarak, and her entourage that is, "with corrupt regime politics in collusion with imperialist agendas" is one of the key obstacles that women's rights activists were facing in the months after the revolution (Elsadda, 2012, p. 61).

Although the activities of government organizations like the NCW were perceived to be monopolizing the Egyptian women's rights movement, there nonetheless was a vast local women's rights oriented NGOs infrastructure in Egypt. For example, the Egyptian Center for Women Rights (ECWR) and the Center for Egyptian Women Legal Assistance (CEWLA) for many years have been focusing on advancing women's legal rights, Both organizations describe themselves to be independent, non-partisan and non-governmental organizations. Over the past decade they exerted tremendous efforts in advocating for family law reform. Despite that these organizations are considered local ones, they work closely along with the global gender governance framework. For instance Seham Ali, a lawyer at CEWLA, during her meeting with Abu-Lughod in 2010 commented that CEWLA draws on CEDAW as their guiding principle, "they use an internationally recognizable rights-based language, though their goals range from national policy and legal reform to legal aid for individual women" (p. 11). El Nadeem Center for Rehabilitation of victims of violence is another type of independent NGO established in Egypt, known for their bold stand against the state violations for human rights in general.

Although there is a distinct difference in the nature of El Nadeem Center as an NGO and other organizations like ECWR and CEWLA, El Nadeem Center through its women's program exerted remarkable efforts to draft a law for criminalizing domestic violence against women in Egypt. Many other local NGOs such as the New Woman Foundation, Nazra and the Women and Memory Forum have been working on advancing women's rights and promoting gender equality among the different fields.

Besides these local NGOs, a number of regional offices of international agencies were also established in Egypt. Following the July 2010 establishment of UN Women, (the United Nations Entity for Gender Equality and the Empowerment of Women), an Egypt country office was established absorbing the Cairo-based UNIFEM office. CARE Egypt is another example of international institutions working in Egypt. As described on their website it is an international non-profit, non-sectarian development NGO that works with the most marginalized communities in Egypt as part of CARE International (CARE International in Egypt, n.d). For the purpose of exploring some of these organizations' positions and strategies in responding to the challenges of advocating for the advancement of women's rights during the Muslim Brotherhood rule, in-depth interviews were conducted with some representatives of these organizations.

Altering the Gender Agenda Post-January 25th

Given the attacks on international agencies with regional offices in Egypt beginning in 2011, UN Women in Egypt decreased its activities and narrowed its focus. Fatma Elzahraa, Communication Associate at UN Women in Egypt, observed that after the revolution, most of UN Women efforts were directed towards influencing decision makers and government officials

instead of actively dealing with the public in order to reduce direct confrontations. For similar reasons, UN Women has since been working in association with national partners, especially with background support regarding legal reforms (F. Elzahraa, personal communication, November 12, 2013). At the time when this interview was conducted, only one joint campaign between the UN agencies in Egypt and the government had been initiated in March 2012 and widely advertised in support of women's national ID cards. In addition to offering background support to local organizations, UN Women devoted their efforts towards sponsoring the print of several publications, such as the position paper prepared by the Egyptian Feminist Union and the Alliance for Arab Women published under the title "Equal Rights and Freedom for Women" (UN Women, 2011b; 2011c; 2012).

Unlike UN Women, CARE Egypt decided not to change their strategy. Active in Egypt since 1954, advancing women's rights is one of their four developmental areas. During my interview with Viviane Thabet, Women's Rights Program Director, she explained that the programs vision is to alter societal beliefs, customs and norms associated with gender discrimination. She further highlighted that in Egypt there are two main problems when it comes to women's rights. The first goes back to the fact that there is no legislation to criminalize domestic violence in Egypt. Secondly, she noted that the current family law is defect and beyond reform, instead requires reconceptualization. Like most of women's rights organizations in Egypt, CARE Egypt seeks to influence decision makers in an attempt to improve the enforcement of existing laws and calls for further legal reform. They are also committed to empowering girls and women, to acknowledge that they are rights' bearers, and consequently

increase their understanding and participation in the fulfillment of their rights (V. Thabet, personal communication, November 6, 2012).

When I asked Thabet about the current political situation and the effect it has on the organization's work, she said that these threats were not predicted, admitting that no organization is capable to fight attacks on women's rights under these circumstances on its own. CARE Egypt has thus sought to work with other local partner institutions. CARE Egypt strongly believes that communicating new ideas is only effective in collaboration with Egyptian institutions. Therefore, the strategy they adopt is to train non-governmental organizations and community-lead initiatives on how to reach out to girls and women of their community in order to increase their rights' awareness. After the attacks on CEDAW by the Muslim Brotherhood and other Islamic parties claiming that CEDAW and international conventions are not compatible with Islamic law, CARE Egypt began to reach out to women active in Islamic parties and civil service organizations to introduce them to international conventions, especially CEDAW, and to initiate a dialogue. These training sessions, so Thabet, were not intended to impose certain views on the conventions, but rather expose Islamist women to the material, debates and implications. Thabet described these training sessions as initiating a loop of awareness that women take back to their communities and organizations (V. Thabet, personal communication, November 6, 2012).

In seeking legislative reforms CARE Egypt invests in disseminating information through its various publications. The Legal Guide for Developing a More Just Integrated Family Law, was prepared with the cooperation of eleven women's rights NGOs called Network of Women's Rights Organizations (NWRO). The initiative of NWRO was formed in 2005 aiming to build a cooperative network between several NGOs that focuses on family laws reform, hoping to form

a shared vision regarding the future of family law. Currently, NWRO focuses on developing a new family law that delivers more justice to different members in the family, and ensure “equality and non-discrimination, justice and equity, mutual respect, shared responsibility, upholding the best interest of the child in cases of dispute between the parents and [ultimately] preserving all members’ rights part of this marriage relationship” (NWRO, (n.d), p.15). The guide discusses stages of marriage from engagement, married life, shared wealth, polygamy, *khul* and divorce. The NWRO guide relies heavily on the Tunisian and especially Moroccan post-reform legal framework. For instance, it recommends that issues related to polygamy be referred to and adjudicated by courts (NWRO, (n.d), p. 52). Following Morocco, the NWRO guide introduces the concept of shared wealth, defined as any assets or investments that have been obtained or earned during the marriage due to the work of both the husband and the wife, even if the work of the wife remains unremunerated within the household, but excluding any wealth earned from inheritance (NWRO, n.d, p. 63). According to NWRO many lessons could be learned from the Moroccan and Tunisian experience while reforming their family law. The model they adopted is perceived by many women’s rights NGOs to be successful in granting women in these countries their rights “in conformity with the teachings of Islam and international conventions” (Ennaji, 2004). Given that resistance against these law reforms was common in both Tunisia and Morocco, NWRO draws hope that this process can also be successfully negotiated in Egypt.

Of the Egyptian NGOs active in legal reform, the Egyptian Center for Women’s Rights (ECWR) has been one of the most active NGOs during the post 2011 period in advocating for women’s legal rights. As an independent, non-governmental organization that dedicates its effort

to support women in their struggle to acquire their full rights, the ECWR program works towards establishing gender equality, eliminating all forms of discrimination against women, and urges legislative authorities to reconsider all legislations opposing international agreements at the top of which is CEDAW. Out of a strong belief that law occupies a special status with reference to women, as the legislation system works on either encouraging equality or putting obstacles in front of it, one of the organization strongest programs is ‘Access to Justice: Legal Empowerment and Aid.’ This program works on adopting a holistic approach that uses the law as a basis and works to change attitudes and awareness at the same time. Henceforth, the organization works with government, civil society and the media hoping to secure women’s access to justice through increasing individual awareness, enhancing the ability of community and civil society organizations to support women’s legal rights, and advocating for enforcement of laws protecting women (CARE International in Egypt, n.d.).

During the period of Muslim Brotherhood rule ECWR worked on improving women’s knowledge of their legal rights, Nehad Abul Komsan, the head of ECWR was active in the print-media and television talk-shows. Ghada Lotfy, a training consultant at ECWR, defined the role of ECWR as one that strives to raise people’s awareness of the vocabulary and concepts concerning women’s rights that are circulated globally; hence, a particular focus of ECWR’s work was the training of school teachers and talk-show hosts (G. Lotfy, personal communication, December 12, 2012). ECWR believes that raising women’s awareness requires the simplifying of legal concepts and ultimately empowering women themselves to defend their rights. While dealing with the media, Lotfy revealed one of their tactics; which is compiling the material that they want to deliver into a cheat-sheet and provide it to the talk shows’ hosts so that the latter can

deliver the message to the audience and spread awareness to the public. Ensuring that the material broadcasted through the media on women's rights discourse is rich, and contains the comprehensive information with the intended content, is a positive step, according to ECWR, for limiting the spread of 'wrong' information to the public. ECWR's greatest effort is their yearly documentation on the status of Egyptian women. The organization's 2012 report was among the most comprehensive reports describing the status of Egyptian women post-2011 (ECWR, 2012). Azza Soliman, CEWLA's director was also very active over the past two years in the media addressing violation of women's rights. In her published articles she focuses on the Egyptian personal status law and the need to reform it to grant both Muslim and Christian women their rights. Unlike most of women's rights advocates, Soliman is one of the very few who raised the topic of Christian women's rights under the personal status law.

In response to the changes that took place after the January revolution, in May 2011 the Women and Memory Forum, an organization composed of a group of women academics, researchers and activists concerned about the negative representations and perceptions of Egyptian women in the cultural sphere, initiated the "Women and Constitution Working Group". The aim of this group was to suggest new constitutional articles on issues of equality and non-discrimination, political participation, childhood, education, personal freedoms and many other topics. The working group was formed from many participants from different feminist organizations, like Amani Khalil (Member of the Violence Against Women Program at El-Nadeem Center for Rehabilitation of the Victims of Violence), Amina El-Bendary (Assistant Professor of Arab and Islamic Civilizations at the American University in Cairo), Hala Kamal (Lecturer at Cairo University), Marwa Sharaf El-Din (Phd Candidate in gender and women's

rights in Islam and human rights activist), and others. They mainly focused on studying gender relevant articles in Egyptian constitutions and in other countries' constitutions. As a result of their work, they submitted a drafted document highlighting the articles that need modification in Egypt's new constitution to the constitution committee for review. However, according to Omaima Abu Bakr, founding member and vice chairperson of the Women and Memory Forum board, their proposed articles were not taken into consideration (O. Abu Bakr, personal communication, December 6, 2012). In response to the unpredictable challenges imposed on the future of women's rights post-2011, from the interviews I conducted, it was obvious that organizations and initiative struggled with how best to navigate their work. Many lacked a long term vision and were reacting to the ongoing challenges presented to women's rights under Muslim Brotherhood rule.

Shifting the Egyptian Women's Rights Discourse Towards an Islamic Agenda

Given the attention directed to women's issues in the Egyptian public sphere between these 2011 and mid-2013 there was a marked focus on women's rights in Islam. The Women and Memory Forum, for example, held a conference in 2012 (17-18 March) on "Feminism and Islamic Perspectives: New Horizons of Knowledge and Reform" in cooperation with the Danish Egyptian Dialogue Institute (DEDI) and the Danish Center for Information on Gender, Equality and Ethnicity KVINFO. The main reason behind the conference was to open a dialogue with Arab and European Muslim feminists and communities for the purpose of not only confronting authoritarian patriarchal discrimination in religious discourses, but also to work towards constructing a vision that meet the needs of women in contemporary Muslim societies. An interesting conversation opened up during the roundtable discussion over the prospect of Islamic

feminism within the current dominance of Islamist parties and the shift in political power. Sheikh Gamal Qutb, a scholar from Al-Azhar and former President of the *Fatwa* Committee criticized those who want to revoke the 2000 family law reform, known as khul law. Unfortunately no one from the FJP was presented to defend their points of view. During my interview with Omaima Abu-Bakr I was told that no one from the Muslim Sisterhood accepted to actively participate in the conference nor attend as participant although many of them were invited (O. Abu Bakr, personal communication, December 6, 2012).

In consequence to the attacks on women's legislations from the side of newly formed Islamic parties, on April 2012, Ambassador Mervat Tallawy, head of the new NCW that was formed post-January revolution, met with the Grand Sheikh of Al-Azhar, Ahmed Al-Tayyeb, to discuss the role of Al-Azhar in protecting and safeguarding the rights granted to women by the Islamic shari'a. During their meeting, Sheikh El Tayeb emphasized that "Al-Azhar will not permit any party, [referring to the Muslim Brotherhood], to deprive women of their rights, because the Islamic sharia' honored them and granted them their full rights" ("*al-tayeb yo'aked 'ala takrem* [El Tayeb confirms Islam]", 2012). Following this meeting Al-Azhar promised to issues a document to clarify the status of women in Islam, the rights and duties approved by Islamic shari'a, hoping that this document would become the main source of reference for all activities, thoughts and visions relating to women's rights in Egypt (NCW, 2012). Many of the women's rights organizations interpreted such an initiative as a positive step towards clarifying Al-Azhar's stance on women's rights in Islam, yet this document was never issued within the time frame that had been proposed.

From the interviews conducted with women's rights organization representatives, it was highlighted to me that the FJP, along with their various affiliated women's committees, had been actively engaged in the women's rights debate but in their own platforms. It was mentioned several times during the interviews that many initiatives to engage Muslim Brotherhood representatives were not met with a positive response. While navigating the Muslim Brotherhood official website, *Ikhwan Web*, many position papers on the topic of women's rights in Egypt and events could be found. For instance, on the occasion of International Women's Day in 2012, the FJP issued a statement to reaffirm its commitment to working towards advancing women's rights in Egypt and in the region, with the concluding sentence noting that "the FJP celebrates this day by renewing its commitment to equality and justice to women, particularly at this time when Egypt needs the efforts and creativity of every Egyptian citizen" (Ikhwan Web, 2012b). The different definitions as to what constitutes equality and justice appeared in stark contrast during this period. During the FJP Women's Committee Conference in Cairo held in celebration of the International Women's Day 2012, Manal Abul Hassan, Chairwoman of the FJP Women's Committee in Cairo, commented that "some people see our vision on women as a departure from the West's perspective, however, our vision on the status of women is certainly superior to and more comprehensive than the limited Western view" (Ikhwan Web, 2012a). During the conference, speakers emphasized the importance of Islamic frames of reference concerning issues pertaining to the family, women and children, including a call for merging the NCW with the National Council for Childhood and Motherhood to create "one council for the whole family that reflects the complementary roles of men and women" (Ikhwan Web, 2012b).

Towards An Egyptian Women's Revolution in Opposition to the Islamic Gender Agenda

Largely seen as secular with concerns irrelevant to the majority of the Egyptian society is an image that the women's movement has not been able to dispel, and that carried a heavy burden in the period under study. With the fierce attacks on women's rights legislation in the first parliament of the revolution in 2011, coalition building became a core strategy for women's rights centered NGO's and activists with the aim of engaging the media and various publics with women's rights concerns. A flurry of press conferences and publications highlighted the challenges that women were facing in revolutionary Egypt. The Egyptian Women's Charter demanding that "all discriminatory legislation against women should be reviewed and redressed on the basis of equality and justice, guaranteeing the rights of women in the formulation of a new constitution that reflects gender equality" was drawn up in 2011 by women's organizations coalitions based on conversations in 27 governorates. The charter also stressed the importance of upholding Egypt's commitments to all international human rights conventions including CEDAW and "assuring that religious dialogue should support and not oppose the principles of the constitution, legislation and human rights especially regarding women's rights" ("Egyptian Women's Charter", 2011). Over a three months period the Egyptian Women's Charter succeeded in collecting over 500,000 signatures.

Despite the recognition of the importance of coalition work, the women's movement remained diverse in political outlook and organizational strategies. In the 2012 ECWR report 50 events, demonstrations and marches around women's issues were noted alone for 2012. I will briefly draw on two examples. In July 2012, following the election of President Mohammed Morsi, a coalition of women's rights groups organized a march to the Presidential Palace to

submit written demands urging the newly elected president to publicly acknowledge nine women's rights issues, including support for women's rights under the personal status laws, a commitment to address sexual harassment and to uphold previous legislation that criminalizes FGM. On the other end of the spectrum are the activities of Nazra for Feminist Studies, a group that aims to build an Egyptian feminist movement, believing that feminism and gender are political and social issues affecting freedom and development in all societies with the aim to mainstream these values in both public and private spheres" (Nazra for Feminist Study, n.d.). Yara Sallam, a member of the group, described their approach as one that seeks to flexibly respond to issues as they emerge. Using art as one particular form of engaging the political, Sallam recounted their strategy to challenge a ban on women's participation at a sit-in of the Ultra's after 9 pm. The group arrived at 9 pm with spray paint, painting the walls with a line from a well-known song by Soa'd Hosny, "a girl is like a boy" (*al-bent zay el-walad*) (Sallam personal communication, November 19, 2012). Despite the diverse positions and strategies of the organizations involved, coalitions between the different women's groups nonetheless signaled the start of an Egyptian women's revolution against the status quo.

Similarly to the organizational and political diversity of women's organizations and movements in the post-2011 period, in my conversations concerning the meaning of gender equality and gender justice in both women's organizations and the communities they work with were broad and ill-defined. Both Thabet and Al-Sharmani are convinced that the meaning of gender equality is well understood in Egyptian society, and as they formulate it everyone understands that it doesn't imply exact equality (Thabet, personal communication, November 6, 2012; Al-Sharmani, personal communication, August 17, 2012). On the other hand, UN Women,

as stated in chapter one, relies on a definition that states that equality clearly refers to equal rights between males and females, furthermore, “gender equality is the preferred terminology within the United Nations, rather than gender equity” (UN Women Egypt, n.d). Given this diversity, Thabet noted that women’s rights organizations in Egypt despite the problematic international terminology should not devote time on elaborating other concepts, for instance replacing gender equality with against gender discrimination “as every time a new framework is introduced it will be criticized by the political opposition” (V. Thabet, personal communication, November 6, 2012). Farah Shash, a psychologist at the Nadeem Center for Rehabilitation of Victim of Violence, suggested that excessive focus on the terminology is academic and far removed from the concerns of the general public. At the same time, she argued that language remains essential for working through ideas. As she put it, “this term gender equality triggers people to object to any laws that advocate for women in Egypt,” instead in her work dealing with survivors of violence she referred to “aiming for equal opportunities” (F. Shash, personal communication, November, 12, 2012). Given the situation between 2011-June 2013, and the directed attacks on international conventions Egypt had ratified during the NDP regime, especially CEDAW, I perceive this inconsistency from the side of women’s rights advocates in Egypt in interpreting and translating the concept of gender equality to be one of the main challenges confronting the advancement of women’s rights in Egypt. With the globalization of gender governance and the UN’s conceptual framework setting the agenda for women’s rights advocacy in local contexts, I argue that it is essential to agree on the interpretation and translation of such terms in order to more effectively respond to the contemporary challenges imposed with the rise of Islamic parties on the political ground. Otherwise, to refer back to Mehrez’s (2007) point concerning variety of

translations, “ideas of socially constructed identities of formation and of performance, all of which are packed into the concept of gender as we understand it today, are lost.”

Chapter 4:
The Muslim Brotherhood Declares War On the Global Gender Agenda:
CSW 57 - Criminalizing Domestic Violence

As highlighted earlier, the future of women's rights in Egypt has been among the most controversial topics discussed following the ascendancy of Islamic political parties to power. With the 57th session of the Commission on the Status of Women (CSW 57) taking place on March 2013, the debates concerning Egyptian women's rights further intensified. In the CSW 57th session, it was affirmed that "domestic violence remains the most prevalent form that affects women of all social strata across the world." CSW 57 confirmed the violence against women as a global priority ("Commission on the Status of Women: Agreed Upon Conclusion", 2013). This chapter aims to illustrate the distinct difference between the Muslim Brotherhood gender agenda and the global gender agenda through an analysis of the debates concerning violence against women.

This chapter begins with a brief overview as to the reasons behind the prevalence of domestic violence in Egypt and the loopholes in the Egyptian Penal Code regarding domestic violence. Then it proceeds by referring to the efforts exerted on combating such phenomena in Egypt. Finally, it discusses the Muslim Brotherhood's opposition to global gender agenda's concerning violence against women emphasizing the tensions that emerged between liberal women's rights advocates and Muslim Brotherhood members around the future of women's rights in Egypt.

The Commission on the Status of Women is a functional commission of the United Nations Economic and Social Council (ECOSOC), every year representative of member states

meet “to evaluate progress on gender equality, identify challenges, set global standards and formulate concrete policies to promote gender equality and women's empowerment worldwide” (UN Women: CSW, n.d.). The concluding draft urges upon adopting, strengthening and implementing legislation that prohibits domestic violence, and prescribes punitive measures and establishes adequate legal protection against such types of violence. It further stresses on ensuring “the availability and accessibility for victims and survivors and their children to services, programmes and opportunities, for their full recovery and reintegration into society” (The elimination and prevention of all forms, 2013, p. 14). One of the main points raised in the concluding draft was the necessity of facilitating survivors’ access to justice systems by developing and implementing policies to ensure their safety (“The elimination and prevention of all forms”, 2013, p. 14). Touching upon such a controversial topic, perceived in Egypt as a private topic that should only be discussed within the confines of the house, led to an explosion of debates in the Egyptian public sphere. Arguing that this draft contains articles that contradict the principles of Islam and challenges the unity of the family, the FJP condemned the UN declaration released after the 57th session of the CSW (Ikhwan Web, 2013). Disapproving of the theme of the session to begin with, the FJP issued a statement on their official website and in the media referring to this year’s theme as “misleading and deceptive”.

Statistics affirm that domestic violence is widespread in Egyptian families, studies conducted over the past two decades indicate that between 33 - 35 % of Egyptian women were beaten at least once by their husband (Ammar, 2000; Abul Komsan, 2010, p. 64; Khafagy, 2005). Numerous studies have pointed out that while women are the main victims of domestic violence in Egypt, in a 1995 survey “almost 86% of women thought men were justified in

beating their wives under certain circumstances” primarily due to the failure on their part to fulfill their familial duties and responsibilities (National Population Center Survey as cited Moussa, 2011, p. 178; Abul Komsan, 2010; Somach & Abu Zeid, 2009; cf Ammar, 2000 & 2006; Galal 2005; Yount, 2009; El-Nadeem Center, n.d.; Abdel Hafiz, 2010). Drawing on global data regarding victims self-representation, Yount (2009) develops four different theories to explain this behavior: social learning in the family, inequalities in power “that lead a subordinate to view inequalities in power as “normal” or “right”, economic vulnerability and patriarchy,” the preponderance of men in economic, social, legal, and political institutions that legitimizes and sustains policies and practices that naturalize their dominance and women’s family roles (Komter, 1989, p. 213 as cited in Yount, 2009, p. 333; Yount, 2009, p. 333). The Egyptian literature furthermore focuses on problems inherent in Islam as a source of legislation (El Guindi, 2005; El-Safty, 2004; Ammar, 2006). Kamali (2002) notes the popular circulation of religious references to justify disciplinary household relationships such as the following verse:

Therefore, the righteous women are devoutly obedient, and guard in (the husband’s) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill conduct, admonish (first) (next) refuse to share their beds (and last) beat them. (The Holy Qur’an, al Nisa: 34 as cited in Kamali, 2002).

It is beyond the scope of this thesis to fully engage in the scholarly debates on interpretations and meanings assigned to sacred texts within specific legal schools, at distinct historical times and spaces. Yet, I will be engaging some religious scholars and activists’ interpretation on this verse later in the chapter.

Family violence in Egypt falls under the provisions of general law that cover all cases of abuse, in other words, domestic violence does not constitute a distinct category within law but falls under the larger category of general violence addressed in articles 230 to 251 in the Egyptian Penal Code (Ammar, 2006). For instance, Article 240 of the Penal Law stipulates that “anyone who has hit or beaten someone else cutting one of his or her organs, causing him loss of benefit or of sight or causing him a permanent bodily harm is subject to three to five years in prison” (as cited in Galal, 2005). According to Ammar (2006) the problem with subsuming domestic violence within the current penal code lies in the fact that the legal penalties do not apply to anyone who committed an action out of good intentions sanctioned by Islamic shari’a. Abdel Hamid, a lawyer at El Nadeem Center, argues that judges usually rely on article 540 to spare husbands, fathers or brothers from legal repercussions for beating their wives, daughters or sisters, and justify their violence by saying that men have the right to discipline their female relatives (HRW report, 2004 as cited in Ammar, 2006, p. 250). Abdel Hamid elaborates that often when a woman goes to the police station, the officer would most likely tell her to drop the charges against her husband and try to sort the problem within the confines of the marital home. This explains why “only about one-third (35 %) of Egyptian women who have been physically or sexually abused by their spouses have sought of legal assistance” (Egypt DHS, 2005 cited in Ammar, 2006). The cancellation of article 60 of the penal code has been the subject of numerous initiatives over the past decade. In 2005 more than 90 NGOs participated in a conference titled “Life is possible without violence or discrimination” at the Journalists Syndicate with the key objective to propose a draft making domestic violence a crime (Galal 2005).

Activism to Combat Domestic Violence in Egypt

Egyptian women's organizations have developed a wide range of tools and strategies to address domestic violence: research, raising communal awareness and seeking law reform. The hesitancy, if not complete silence, by the media in covering issues of domestic violence was widely noted in my interviews. This is also noted in the 2009 and 2012 National Council of Women yearly reports, as well as in a ECWR research paper which found that only 10,7 % from a total of 140 published articles on violence in the media covered domestic violence (Abul Komsan, 2010, p. 67). The NCW 2012 report argues that journalists usually treat violence against women as acceptable and legitimate. Questions of preserving family integrity surround the debates on domestic violence intervention. In a report issued by El Nadeem Center the organization at length discusses that the intention of their domestic violence research is not to destroy the unity of the family and break up homes, but that the "relationship between men and women would be happier, more stable and supportive if everyone knew his/her rights and limits, and accept the fact that personal freedom ends when it encroaches on the freedoms of others" (El Nadeem Center, n.d., p. 34). Encountering many challenges, El Nadeem's efforts to combat domestic violence in Egypt has been remarkable; in 2010, they drafted a law to criminalize domestic violence, which I will be commenting upon later in this chapter.

Given the social costs of domestic violence the NDP regime in 2010 launched a media campaign through the Ministry of State for Family and Population titled "Through understanding... we will solve it" (*beltafahom... hanhel*) ("Domestic Violence Campaign", 2010). The media campaign consisted of three short clips highlighting the cycle of domestic violence, ultimately promoting the notion of reconciliation and mediation between the disputants

to solve violence in the family. Local affiliates of international organizations such as CARE Egypt began to build on their rural development infrastructure to engage communities outside of Cairo through animated stage play (*al-masrah al-sh'aby*) in order to mobilize communities to discuss gender based violence through interactive community theatre performances. Viviane Thabet, CARE Egypt's Women's Program Director, noted the success of the project and expressed hope that it will contribute to a national social movement addressing gender based violence (Thabet, personal interview, September 6, 2012).

Following the violations of women's rights post-January revolution, Egyptian women's rights organizations and activists devoted considerable energy to bring domestic violence into the public sphere debates through the use of various forms of media. Jenny Montasir's (2012) short documentary "Speak Out: Domestic Violence in Egypt" released in 2012 was widely picked up and circulated on social networks. The documentary features experts from El Nadeem Center and New Women Foundation, Amina Khalil and Lamiaa Lotfy respectively. The aim of this short film was to uncover the problems of domestic violence in Egypt and highlight the larger costs and impact of this type of violence on women and society. Another Ad for a TV Campaign on Domestic Violence in Egypt produced by three graduate students at the American University in Cairo (Amal El Nakeeb, Zaina Rawabdeh, and Inas Hamad), was aired on May 26, 2013 in cooperation with P.H.A.S.E (Psychological Health Awareness Society). This campaign composed of three short clips focused on highlighting some of the reasons that pressure women, victim of domestic violence, to stay silent and not seek help in addition to underlining the cycle of violence within the different members of the family (El Nakeeb, Rawabdeh, and Hamad, 2013).

El Nadeem Center has been running an online social media campaign targeting youth in particular to garner support for their domestic violence draft law. Talk show appearances have become an important strategy. In a special episode titled Criminalizing Violence against Women aired on Nile TV in 2012, Shash from El Nadeem Center bluntly referred to the different types of domestic violence that women and girls experience inside their families, shocking the host when noting that at least one of three women is exposed to violence from her husband at least once during their marriage. During my interview with Shash from El Nadeem Center in November 2012, after the dissolution of the parliament that had, as noted in previous chapters, attacked the legal reforms of the year 2000, I asked her if the center was considering resubmitting the draft law. She noted that although they have no problem finding an MP willing to resubmit it on their behalf, timing was essential since this decision could affect the entire future of this law. In order to support the draft law initiative, El Nadeem Center has been collecting signatures to give more weight to the bill. At the time of our meeting they had succeeded in collecting “1600 signatures from individuals, 54 from active members in other Arab Countries, 177 from Egyptian Organizations,” in addition to support from two political parties and one syndicate” (F. Shash, Personal communication, November 12, 2012).

Debating Egyptian Women’s Rights to Live without Violence

As mentioned earlier, the statement of the Muslim Brotherhood issued on March 14, 2013 “denouncing the UN declaration for violating Sharia principles” was met with heated debates on the future of women’s rights in Egypt under the Muslim Brotherhood. Issued one day before concluding the CSW 57th session, while referring to ten reasons for rejecting the

document, the Muslim Brotherhood urged leaders of Muslim countries and their UN representatives to reject and condemn the document. They also called on Al-Azhar to take the lead in condemning the declaration. In their statement, they mention that the UN declaration “includes articles that contradict established principles of Islam, undermine Islamic ethics and destroy the family, the basic building block of society, according to the Egyptian Constitution” (Ikhwan Web, 2013). Additionally, they warned of the consequences of ratifying the declaration claiming that it would lead to “complete disintegration of the society and would certainly be the final step in the intellectual and cultural invasion of Muslim countries, eliminating the moral specificity that helps preserve cohesion of Islamic societies” (Ikhwan Web, 2013). And finally, in their last call, they requested from women’s rights organization “to commit to their religion and morals of their communities and not to be deceived with misleading calls to decadent modernization and path of subversive immorality”.

The ten points criticism included: equal inheritance between men and women, replacing guardianship with partnership, and full sharing of roles within the family between men and women such as spending, childcare and home chores, full equality in marriage legislation, such as allowing Muslim women to marry non-Muslim men, the abolition of polygamy, dowry, women taking charge of family spending, removing the authority of divorce from husbands and placing it in the hands of judges, and sharing all property after divorce (Ikhwan Web, 2013). It is interesting to note that five of the ten points raised are related with personal status law and hence outside the theme of violence against women, which has been the focus of the CSW 57th session. It is also worth mentioning that from the beginning there were tensions within the Egyptian delegation traveling to participate in the CSW 57 session. The Presidential Assistant for Political

Affairs and member of the Muslim Brotherhood, Pakinam Al-Sharkawy, headed the delegation despite that protocol dictates that Ambassador Tallawy, Head of the NCW should be the one heading the delegation and should be the one delivering Egypt's official address.

Along with the statement issued by the Muslim Brotherhood, on March 17, 2013 the head of the International Islamic Committee for Women and Children, and coordinator of the coalition of Islamic organizations, Kamelya Helmy, published an article on the Muslim Brotherhood website, titled "UN Terminologies: A Repeated Game (*le'bet al-mostalahat a-lomameya, le'ba motaqarera*)". Helmy (2013a) carefully analyzes the vocabulary used in UN documents promoting women's rights (for example, gender equality, survivor, victim, discrimination against women and girls, gender-sensitive policy) defining it to be *matateya* (elastic) and *shadydat al-dababya* (very foggy). She argues that the linguistic frameworks are embedded in larger political perspectives, their very fluid usage allowing for the possibility of the internationalization of women's rights agendas thereby effectively concealing their contradictions and erasures of local cultures and values. Helmy (2013a) for instance criticizes the commission definition for violence against women; which covers any types of "physical, sexual, psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life; [in addition to] economic and social harm caused by such violence". She says that leaving the definition of violence very broad like this, not highlighting the limits of physical harm, sexual or psychological suffering, may include any acts that don't satisfy women, which ultimately threatens family unity. Helmy (2013b) was subsequently given the space to elaborate on her arguments as a guest on the Muslim Brotherhood affiliated channel *Masr 25*. In the interview, she mentioned that Muslim countries

encounter aggressive international pressure in order to ratify these UN conventions. In her analysis of the UN system, Helm (2013b) mentions that each year the UN uses the same game that aims to distract the attention of conservative member states. She believes that intentionally each year a number of extremely liberal articles are being added to the draft document leading Muslim and Arab member states to compromise on the other less controversial points that are also worth given attention.

In an attempt to clarify that the Muslim Brotherhood was not the only entity in opposition to the UN declaration, Sabah Al-Sakkari (as cited in Leila, 2013), women secretariat of the FJP, said that the draft declaration was not criticized by only the Muslim Brotherhood but also by Libya, Iran and Sudan along with the International Union for Muslim Scholars. She further noted that “the UN and Western countries are trying to dub Islam and Muslim countries as being fascists and this is unacceptable” (as cited in Leila, 2013). Indeed, one week before the commission began, the International Union of Muslim Scholars (IUMS), headed by Youssef Al-Qaradawy, an Egyptian Islamic scholar and affiliated member with the Muslim Brotherhood who is currently the Mufti of Qatar, also issued a statement to criticize the event on February 28, 2013 (Tallawy as cited in Taha, 2013).

The Muslim Brotherhood objections to the declaration focused on the declarations article that urges states to “give wives full rights to file legal complaints against husbands accusing them of rape or sexual harassment, obliging competent authorities to deal with husbands punishments similar to those prescribed for raping or sexually harassing a stranger” (Ikhwan Web, 2013). Helmy (2013a) in her article expressed her discontent with especially the call to criminalize marital rape. Interestingly, when Pakinam Al-Sharkawy, the head of the Egyptian

delegation to the UN CSW 57, was asked about her party's objections, she argued that these concerns are foreign problems, irrelevant to Egyptian society, saying: "Marital rape? Is this a big problem that we have? Should we import their concerns and problems and adopt them as ours?" (Kirkpatrick and El-Sheikh, 2013).

In Opposition to the Muslim Brotherhood Statement

Following the debates on women's rights in Egypt provoked by Muslim Brotherhood's statement on the UN declaration of combating all forms of violence against women and girls, women's rights advocates took to local and international media channels to defend their positions and the dangerous consequences of the ruling party's stance. Mervat Tallawy (2013b), NCW President, responded to the Muslim Brotherhood statement criticizing the aggressive attacks on the UN declaration from the side of conservative Islamic groups. In an article published in *Al-Masry Al-Youm* on March 25, 2013 under the title '*egabeyat watheqat al-'omam al-motaheda lal mara'a* (The Positives of UN Women Declaration); Tallwy (2013) explained that beginning February 18, 2013, even before the start of the CSW 57, the International Union of Muslim Scholars (IUMS) issued a statement to criticize the event without waiting to see the content of the 57th session. Tallawy criticized both statements issued by IUMS and Muslim Brotherhood, while highlighting that they are addressing other points not covered under this year's theme. In complete opposition to Kamely Helmy's point of view, Tallawy mentioned that one of the positive outcomes of the UN declaration is to broaden the definition used to define violence against women, to include not only sexual harassment and rape but also the different types of violence against women that exist economically and socially while putting a spotlight on

domestic violence. Tallawy concluded by addressing those who are in opposition to the advancement of women's status in Egypt asking why they portray Islam and the Egyptian society as one that tolerates violence against women. In another press conference organized by NCW on Thursday March 21, 2013, sarcastically, she questioned, "If the Muslim Brotherhood rejects this declaration, what do they have to offer that can end violence against women?" (as cited in Taha, 2013). It is important to point out here that the NCW is supposed to be the state's organ for promoting women's rights in Egypt.

Sakina Fouad (2013), a well-known writer and formerly a member of the Shura Council, the Supreme Council of the Press, and the National Committee for Women in Egypt, wrote in *Al-Ahram* newspaper: "Egyptian Women in between Declarations and Realities" in which she linked the Muslim Brotherhood's accusations to an attempt to limit the role played by women at the start of the revolution. In conclusion, Fouad (2013) states that currently we are standing at a critical position where "we are facing turbulence in minds and thoughts." She also stressed that no declaration or international organization in the world would be able to force Egyptian women to undertake any actions that contradict with their principles. Hoda El Satta (2013), co-founder and current Chairperson of the Board of Trustees of the Women and Memory Forum, and Professor of English and Comparative Literature at the Faculty of Arts, Cairo University, Egypt, wrote an article on Open Democracy titled "A war against women: The CSW Declaration and The Muslim Brotherhood Riposte". El Satta (2013) described the Muslim Brotherhood statement to be "offensive and deplorable," noting that their main objection revolves around the notion of "replacing guardianship with partnership" and that "the statement does not recognize women's agency and undermines the very idea of female citizenship". El Satta (2013) further

expressed her discontent with the Muslim Brotherhood statement questioning if really “the Muslim family will disintegrate if women are able to divorce their husbands (by going to court!) and if husbands are not allowed to divorce their wives on a whim (without going to court!), which is the case in most Muslim countries”? It is worth noting that Al-Azhar deferred judgment, according to Mohamed Mostafa Game’a, the Al-Azhar’s media spokesperson, they decided to wait for the final draft to formulate their own position on the declaration, which never happened (Sanchez, 2013).

Given the public debates that exploded in Egypt following the CSW 57th session several TV programs engaged the debate further. *Sheikh* Ahmed Karima, Professor of Islamic Shari’a at Al-Azhar University, and Amina Kahlil were hosted by Reem Magued, the presenter of the popular *baladna bel masry* talk show aired on ONTV Channel. In the interview, *Sheikh* Karima referred to the Quaranic verse that people claim justifies disciplinary household relationships, mentioned above, stating that it definitely does not encourage men to beat their wives, clarifying his own interpretation of the verse and stressing that violence against women is not a principle of the Islamic religion. Additionally, he commented on the manifestations of violence against women that is widespread in the Egyptian society with contempt (“*watheqt man‘ al-‘onf ..keir wala kofr?* [Declaration of Stopping Violence]”, 2013). On another controversial TV program aired on *al-qahera wel-nass* channel hosted by Tony Khalife, known for his critical and provocative questions, the topic was debated with guests from different ideological backgrounds such as Azza Kamel, lawyer and liberal women’s rights activist and Adel Afify, a leader from the Salafy movement (“An Episode on the Women’s Declaration”, 2013). While discussing the phenomenon of domestic violence in Egypt, Kamel and Afify agreed that it is not acceptable for

a husband to beat his wife, though Afify raised his concerns that such problem couldn't be solved by legal systems. According to Afify's point of view, no legal system can stop such social embedded phenomenon; hence, it is not necessary to establish laws to combat domestic violence in Egypt.

Moving Forward to Combat Domestic Violence in Egypt

In the survey conducted by El Nadeem Center 84% of the respondents agreed that a law criminalizing domestic violence was imperative (El Nadeem Center, n.d, p. 36). At present two laws have been drafted to combat domestic violence in Egypt. In 2013 the NCW publicized on its website that they finalized, upon an assignment by then Prime Minister Dr. Hisham Qandeel, an integrated draft law on combating all forms of violence against women. And as mentioned before, El Nadeem since 2010 has completed a draft law to criminalize domestic violence in Egypt. A comparison between these two competing drafts is instructive. El Nadeem Center draft was described by Shash as one that meets international standards, it "targets the mobilization of societal participation against the phenomenon of domestic violence, break its infernal cycle and save victims crushed by this cycle" (El Nadeem Center, 2012). In El Nadeem Center's draft law, an organization with a long history of fighting against torture and violence in Egypt, penalties are conceived of as gradual, especially given that the practice of domestic violence is embedded in Egyptian society and perceived as a normal practice. Article 17, for instance, refers a first time offender to a rehabilitation center for training for a period not exceeding one month and not less than one week. Second time offenders are subject to community service, leaving the specified period up to the courts. Third time offenders are subject to the Penal Code which could entail a

prison sentence ranging from six months to three years, more if the case involves violence against a minor, an elderly or handicapped person (El Nadeem Center, 2012). In contrast, the state-sponsored NCW proposed draft law, suggests that anyone who commits a crime of violence against any member of the family would be sentenced to jail for a period not less than 6 months or pay a fine not less than 20,000 Egyptian pounds (NCW, 2013). Although the NCW draft was initiated upon recommendation of the State, it was unclear what the then ruling party FJP's position and willingness to address questions of domestic violence were.

Chapter 5: In Pursuit of Gender Justice

The question driving this thesis has been to understand the challenges imposed on the application of the global gender agenda in Egypt between 2011 and mid-2013. Unlike, people's expectation that the January 25th revolution would bring social justice to all Egyptian citizens and thus women would gain more of their rights, the challenges imposed by the ruling party on the gender agenda in Egypt were unpredictable. Yet instead of succeeding to oppress Egyptian women's rights activists; for the first time in years, we saw women's rights activists from different background walk hand in hand to respond to these threats imposed by the ruling party on the future of women's rights. As mentioned in chapter one, doubting the effectivity of relying on the 'gender equality' discourses in Egypt during the period of Muslim Brotherhood rule, I argue that during this period and beyond it is essential to explore in what ways gender justice frameworks might allow for more local ownership of women's legal rights among discrepant publics. In this concluding chapter, I will bring together the arguments from the previous chapters, and sum up the difficulties and challenges that liberal women's rights activists had encountered post-January 2011 until June 2013. Finally I will briefly provide an overview over the situation post-June 2013, which marks the start of a new era in the future of Egyptian in general and Egyptian women in particular.

Although the struggle for advancing Egyptian women's rights is not new to Egyptian women's rights activists, during Muslim Brotherhood rule, the situation intensified through attempts to undermine women's previous gains particularly in the realm of personal status law such as the lowering of the age of marriage and revoking *khul* law, in addition to condemning the

UN declaration to combat violence against women and girls. Egypt during the Mubarak era was affected by the global shift towards promoting gender equality worldwide. Given the disjunctures between international and Egyptian women's rights activism, the deeply rooted societal expectations of gender roles along with the emergence of an array of Islamic frameworks with their own conceptions of gender roles, new approaches were essential to be brought to the struggle for women's rights in revolutionary Egypt. To draw on Goetz's (2007) observations noted in chapter one, Egyptian women's rights discourse understood as *musawah* (equality) in the public sphere at the very least is understood as a struggle on the part of women to be like men, and hence does not open up the space to view gender justice projects as part and parcel of social structures and legal codes that affect Egyptian women's life negatively. I have argued that it is imperative to move beyond the circular, well-defined and deeply consolidated positions that the gender equality approaches have produced for over a decade in Egyptian women's rights discourse. The move to a gender justice framework is certainly not new. As Mukhopadhyay and Goetz (2007) argue the main strategy for pursuing gender equality has lost its credibility as a strategy for social change globally. The gender justice framework hence allows for the re-engagement with larger questions of justice and addressing the injustices from which women suffer from. Framing Egyptian women's problems as problems of justice allows not only for an engagement with Islamic positions given that the majority of Islamic scholars agree on the divine nature of justice, but disagree on how it should be realized in particular in addition to embedding women's struggles in the demands of the 25th January revolution (Khadduri, 1984; Kamali, 2002).

Responding to the dilemmas presented under Muslim Brotherhood rule, Al-Sharmani blames women's organizations for not having presented women's rights issues within the revolution's main social justice framework at the beginning of 2011 (Al-Sharmani, personal communication, August 17, 2012). Omaima Abou Bakr from the Women and Memory Forum, likewise, observes that in this political climate the persistent reliance on the vocabulary of gender equality is unproductive, and women's movements need to rethink their vocabularies and tactics strategically. She herself prefers to engage 'justice' and 'equality' as part of the same argument, yet stressed the importance of justice before equality (Abou Bakr, personal communication, December 6, 2012). Al-Sharmani, on the other hand, nonetheless holds that there is a cost to "completely omitting 'equality' from the battle of women's rights," leading us back to the complementarity of roles and biological differences between men and women (Al-Sharmani, personal communication, August 17, 2012). While it is difficult to find common ground, yet given the challenges posed to women's rights advocates during 2011-June 2013 period, it was nevertheless necessary to reengage and reflect on the strategies and tactics used.

Since we are referring to the role of the state in shaping the gender agenda, it is essential to highlight the strong correlation between the state ideology and women's rights agenda in Egypt. This concluding chapter focuses on two factors that influence and shape conceptions of justice in Egypt, the role of the NDP and the Muslim Brotherhood state projects, and their use and abuse of women's legal rights and the function of the judiciary as a political and social entity. States have a major influence in defining the principles of justice and ensuring its implementation. Navigating between international norms, agendas and pressures and local constituencies, debates on justice for Egyptian women have played an important function in both

the NDP and Muslim Brotherhood geo-political agendas. Over the past thirty years prior to the revolution, the economic and political orientation of the Egyptian developmentalist state sought out international cooperation, which de facto demanded movement on the part of the state regarding women's rights issues. At the same time, the state actively contained any opposition, especially that of the Islamists. Legal reform thus was an outcome of the state's navigation between local oppositional politics and international gender governance (Guenena & Wassef, 1999; Al Sharmani, 2010). Following the January 25th revolution this antagonistic relationship navigated by the NDP state, among many other factors, made women's rights issues a not insignificant issue for the Muslim Brotherhood. According to the 2012 ECWR report, the incumbent new president side-lined women's rights issues, instead subsuming women's issues within charity frameworks, conceiving of women as weak in need of protection, not citizens with a complete set of rights (ECWR, 2012, p. 12). From the outset the new presidency had no strategy on how he would deal with women's rights issues in Egypt. For instance, in a question at the UN regarding the challenges for women in revolutionary Egypt, the recently elected president responded that "Egyptian women have the same equal rights as men; there are even some men who ask to be guaranteed the same rights as women" (as cited in ECWR, 2012, p. 1).

Conclusion

The question still remains open as to the impact of the 2011 revolution regarding women's rights, the changes in regards to the women's rights agenda following the ousting of President Morsi on June 30, 2013 are worth exploring. Liberal women's rights activists welcomed the overthrow of President Morsi and the Muslim Brotherhood as a way to correct the

pathway of January 25th revolution. As cited by Dakroury (2013), the National Council for Women described the year during which the Brotherhood ruled as the “worst and most cruel [year] for Egyptian women”.

Again, Egyptian women were appraised for their incredible participation in this uprising defending their rights that were directly targeted by the ousted President and his party. However after the moment has passed, discussions and activities on the future of women’s rights were rarely heard of. Very little news has been circulated about the rights of Egyptian women in the new constitution. Also the NCW seem to have almost retained their previous role in monopolizing the Egyptian women’s rights movement. Having said that the excess attention from prominent intellectuals and journalists seem to have come to an end with the ousting of President Morsi. The questions hence remains at what point will women’s rights groups take initiatives and develop new ideas for tackling gender justice issues in Egypt rather than reacting to crisis as they unfold. It is worth remembering that although it is true that “laws and justice system shape society, by providing accountability, by stopping the abuse of power and by creating new norms”, the problem in Egypt is not only a matter of law reform and enforcement. (El Nadeem, n.d, p.118). Barriers to women’s access to the justice system, deficiency in the Egyptian justice system itself, lack of women’s awareness of their rights to live in dignity, and finally social norms and culture influence women’s perception of what to consider a crime and what to consider a right have been a major influence in shaping women’s rights discourses in Egypt. In the post June 2013 period a lot is at stake for women not to again miss the opportunity to present women’s rights under the revolution’s main theme of social justice .

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