

This article was downloaded by: [Hala Kamal]

On: 18 March 2015, At: 04:17

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Journal for Cultural Research

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/rcuv20>

Inserting women's rights in the Egyptian constitution: personal reflections

Hala Kamal^a

^a Faculty of Arts, Department of English, Cairo University, Cairo, Egypt

Published online: 13 Mar 2015.



CrossMark

[Click for updates](#)

To cite this article: Hala Kamal (2015): Inserting women's rights in the Egyptian constitution: personal reflections, Journal for Cultural Research, DOI: [10.1080/14797585.2014.982919](https://doi.org/10.1080/14797585.2014.982919)

To link to this article: <http://dx.doi.org/10.1080/14797585.2014.982919>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms &

Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

Inserting women's rights in the Egyptian constitution: personal reflections

Hala Kamal*

Faculty of Arts, Department of English, Cairo University, Cairo, Egypt

(Received 18 February 2013; accepted 18 August 2014)

This article focuses on women's rights in the Egyptian constitution, in light of the Egyptian constitutional tradition, the history of Egyptian feminist activism and in the context of the Egyptian revolution. The discussion mostly relies on personal experience and involvement in the process of Egyptian feminist activism towards the inclusion of women's rights in the Egyptian constitution – a process that started in May 2011. The essay is divided into two parts: the first part looks at the Egyptian feminist movement in the light of Egyptian constitutional history. The second part discusses the form and process of gendering the constitution, and focuses on three main issues: the concept of a constitution as social contract, feminist agency and feminist efforts to include women's rights in the 2014 Constitution. As a feminist, my discussion here is grounded in a personal/historical perspective that seeks to establish a continuum of women's history within national history.

Keywords: Egypt; women; revolution; constitution; feminism

Introduction

We have a cause, we have a role ... we want our rights in the *dostoor*
Raise your voice up high again ... women of Egypt are everywhere¹

This article has undergone several revisions since its initial version was presented at the workshop on Women and Political Activism in Egypt, held at the University of Manchester in November 2012, at the time when the Egyptian *dostoor* (Constitution) of 2012 was still a draft under discussion and formulation, prior to its implementation in December 2012. Following the massive 30 June 2013 wave of the 25 January 2011 revolution, the 2012 Constitution was suspended on 3 July 2013, and a new constitution-writing committee was formed to amend the suspended constitution. This article, however, intends to focus primarily on women's rights in the Egyptian constitution, in light of the Egyptian constitutional tradition, the history of Egyptian feminist activism and in the context of the 2011 Egyptian revolution. My reflections here are grounded in my experience as witness to the development of public protests and resistance since the early years of this millennium, together with my research interests in the history of the Egyptian feminist movement and my involvement in feminist activism in Egypt. Furthermore, much of the discussion here is particularly based on my membership in the Women and Constitution Working Group (WCWG) (initiated and hosted by The

*Email: hala.kamal@edcu.edu.eg

Women and Memory Forum in Cairo), formed in May 2011, including members from the Coalition of Egyptian Feminist Organisations (*Tahaluf al-munazzamaat al-niswiya*) as well as political activists and legal studies experts.² Very little has been written so far on the new Egyptian constitution, and these mostly take the form of newspaper reports and journal articles rather than insiders' accounts.³ My discussion here, therefore, relies mainly on my personal experience and involvement in the process of Egyptian feminist activism towards the inclusion of women's rights in the Egyptian constitution.

The first Egyptian constitution was issued in 1923, and is often considered to be an outcome of the 1919 revolution which rose against the British occupation – a document establishing the emerging modern Egyptian nation. This constitution remained in power (with a brief interruption during 1930–1935) until the 1952 revolution, when the Free Officers coup d'état on 23 July 1952 brought an end to both British colonialism and the monarchy, and established the first republic in Egypt. Consequently, the 1923 Constitution was suspended and a new one was issued by President Gamal Abdel Nasser in 1956. When President Anwar Sadat came to power in 1970 after Nasser's death, he issued a new constitution in 1971, and this one stayed in effect until the ousting of ex-President Hosni Mubarak on 11 February 2011. The 1971 Constitution had undergone several amendments since the 1980s, the most drastic ones perhaps were those issued by Mubarak in 2005 towards safeguarding his despotic rule and grooming his son, Gamal, to take over power. This action heightened the public discontent with his increasing powers, and intensified acts of opposition and resistance, which manifested themselves for instance in the *Kefaya* (Enough) movement and their campaign slogans 'la lil-tagdeed, la lil-tawreeth' (No to Renewal, No to Inheritance), in reference to the possible renewal of Mubarak's presidency or passing it on to his son. Though Mubarak's amendments were passed in 2005 by Parliament, they were confronted by the opposition's demands for more democratic amendments of the constitution over the years leading up to January 2011. With the breakout of the 2011 revolution, constitutional amendments were seen as acts of reform, while a revolutionary stance required the annulment of the 1971 Constitution and the writing of a new constitution in the spirit of the revolution. The process of forming the two (mostly elected) Constitutional Assemblies in charge of drafting and issuing the 2012 Constitution proved unacceptable by the Egyptian liberal and progressive political forces,⁴ supported by the people, who went back to the streets on 30 June 2013 demanding early presidential elections, and with it the suspension of the 2012 Constitution. In response to the four days of mass protests across Egypt, General (now Field Marshal) Abdel Fattah el Sisi announced on 3 July 2013 the end of the Muslim Brotherhood ex-President Mohammed Morsi's rule and introduced the 'road map' drawn by political parties and movements, including *Tamarrud* (Rebel) movement which had widely mobilised for the 30 June protests, and the Salafist Nour Party. Representatives from both Al-Azhar and the Coptic Church also took part in drawing the so-called road map, which included the suspension of the controversial 2012 Constitution. All parties agreed on the formation of a new, more representative, Constitutional Committee that would undertake the task of revising the constitution.⁵

Against this brief background, this article, therefore, is divided into two parts: the first part examines the Egyptian feminist movement in the light of Egyptian constitutional history. This is followed by the second and main part of the essay which includes three sections: a discussion of the definition, form and content of a constitution; my own personal reflections on the experience of contemporary Egyptian feminist

activism in the process of inserting women's rights in the Egyptian constitution; and finally, a brief discussion on the efforts of feminists towards reaching out to the Constitution Committee and making their voices heard. It is worth noting that, as a feminist, my reading is based on a deep understanding of the distinction between women's activism and feminist activism; and as an Egyptian, I realise that my personal involvement in the revolution and my close engagement with the women's movement prevent me from adopting an outsider's 'objective' view and the luxury of external reflection. Finally, I wish to highlight that women's active and visible participation in the revolution (and the protest movement leading to and following 25 January 2011) is a role that I find in no way extraordinary in light of modern Egyptian history. I believe that it is Egyptian women's rising awareness of their feminist rights that should be celebrated, or at least should not go unmarked in the context of our revolution. My article, thus, seeks to portray the struggles, challenges and promises of our ongoing revolution.

The four waves of Egyptian feminism

Reading the Egyptian feminist movement from the perspective of Egyptian revolutions and constitutions, I suggest a framework in which the Egyptian feminist movement could be divided into four waves: the first was concomitant with the 1919 revolution and the consequent 1923 Constitution, where women's rights were included on the nationalist movement's agenda as part of the national liberation and modernisation project. The second wave can be traced back to the acknowledgement of women's political rights in the 1956 Constitution in the context of building a republic based on equal citizenship rights. Yet, this is the same phase where the feminist movement was being co-opted in what has been defined as 'state feminism'. The third phase can be traced back to the late 1970s and particularly during the early 1980s, after issuing the 1971 Constitution and the revisions of women's legal rights, which were supported by the Sadat regime and his attempts at seeking Western acknowledgement. These revisions were later reinforced by Mubarak's attempts at gaining international support as well as local recognition on the issue of women's rights. The first few years of Mubarak's presidency witnessed the loosening grip on the civil society movement, resulting in the establishment of various human rights and feminist organisations, which relied on international conventions to introduce and enforce human rights and women's rights stipulations. State feminism was beginning to give way to NGO feminism, which developed throughout the late 1980s and into the millennium taking a predominantly oppositional stance vis-à-vis the government. It is with the establishment of the National Council for Women in 2000 that the state was trying to regain its control over the 'gender agenda' in Egypt, and regain its power of representation. Since the beginning of the 25 January 2011 revolution, a new phase of the Egyptian feminist movement has emerged – where the state/NGO interaction in relation to women's rights has been most visible in the context of the constitution-writing process.

Egyptian women have been actively involved in the national movement demanding their political rights as equal citizens, since the beginnings of the twentieth century, when Egyptian women activists joined the 1919 revolution against the British colonialists. A number of scholars, however, point out through their substantial research that women's visible role in the revolution came as an extension to their involvement in public life since the late nineteenth century, while their participation in protests against rulers and occupiers can be traced to decades, if not centuries, earlier (e.g. Al-Ali, 2000; Al-Sobki, 1986; Baron, 1994; Bier, 2011; Elsadda, 2012; Elsadda & Abu-Ghazi,

2001). In addition to their participation in demonstrations and political protests, Egyptian women politically organised themselves in the Women's Central Committee of the liberal Wafd party as early as 1919; yet when the post-revolution constitution was issued in 1923, women's demands were not met. Article 3 of the 1923 Constitution stated: 'Egyptians shall be equal before the law in enjoying civil and political rights, and in public duties and mandates, with no discrimination among them therein on the grounds of origin, language or religion' (Dostoor, 1923). Thus, the first Egyptian constitution ignored women's rights, while it recognised the ethnic and religious diversity characteristic of the Egyptian society, by establishing equality and rejecting ethnic as well as religious discrimination. In her discussion of the nationalist discourses on citizenship in Egypt, Mervat Hatem states that the first Egyptian constitution that emerged from these years of political turmoil not only ignored women's political rights, but 'established the masculine character of the nation by only recognising adult male citizens as members,' based on cross-religious 'national unity' (Hatem, 2000, p. 35). Hatem particularly refers to Article 23 of the 1923 Constitution which states that the nation is the source of authority, whereby, according to the author, a definition of the nation in terms of maleness 'declared this fraternity of men to be the source of all legal and political power (*masdar al-sultat*) in a new bicameral parliamentary system' (Hatem 2000, p. 35).

Women's exclusion from the political process of inserting their rights in the Egyptian constitution added a new dimension to their struggle, leading them to the formation of the Egyptian Women's Union (Al-Ittihad Al-Nisae'i Al-Misri) in March 1923, in direct response to the rising conflict between Egyptian feminists and the Wafd party. In her memoir, leading Egyptian feminist Huda Sha'rawi recounts the story as follows:

In March 1923, we received an invitation from the International Women's Union to attend the conference to be held in Rome in May 1923. The invitation was addressed to Egyptian women. The Egyptian Women's Central Committee of the *Wafd* was at that time the most prominent women's entity, so I thought of establishing the Association of the Egyptian Women's Union consisting of members of the Women's Central Committee of the *Wafd* Party. (2013, p. 158)

This account is significant in the way it refers to the Egyptian feminists' first steps towards autonomy, as they decided to organise and represent themselves in an Egyptian women's 'association' rather than in a committee belonging to the liberal majority of a political party. Moreover, Sha'rawi includes the text that was part of the letter which she sent to her colleagues inviting them to a meeting at her house on 16 March 1923, 'to form together a working committee and to elect representatives for the conference'. It is during this meeting that a delegation of Huda Sha'rawi, Nabawiyya Musa and Ceza Nabarawi was selected for the conference, and the Egyptian Women's Union's six founding articles (including its vision, agenda and structure) were drafted (Sha'rawi, 2013, pp. 158–159).

It is also worth noting that the feminist discourse of the time does not criticise the process that has marginalised women's membership in the constitution-writing process, nor does it focus on the content of the constitution, as much as it addresses the democratically elected members of Parliament with women's demands. The Egyptian Women's Union, therefore, worked together with the Women's Central Committee of the Wafd party on issuing a booklet, published in 1924, with women's political, social and feminist demands sent to the chairman of the upper house of Parliament, chairman of the lower house of Parliament, as well as to the press and the public 'seeking that

this booklet reaches the largest number of citizens, both men and women' (Sha'rawi, 2013, p. 206). In her study on the history of the Egyptian women's movement during the period 1919–1952, Amaal Al-Sobki includes the full text of the Egyptian Women's Union's programme (1986, pp. 198–202), and describes the demands as comprehensive and innovative. Egyptian women, however, continued their struggle for their rights, including demands for membership in the upper house of Parliament in 1938, followed by attempts at granting women the suffrage throughout the following decade. Yet, all these efforts failed to grant women equal political rights at the time, although they offered them opportunities for developing their organisational and mobilisation skills, in addition to encouraging women's engagement within the political scene as well as in educational, social and charity work (Al-Sobki, 1986, p. 106).

It is within the 1956 Constitution that women were granted their political rights, whereby Article 31 stated: 'Egyptians shall be equal before the law in public rights and duties, with no discrimination among them therein on the grounds of sex, origin, language, religion or creed' (*Dostoor*, 1956). Consequently, women were granted *political* rights, while women's rights activists struggled in order to assert women's *legal* rights – a struggle that remains at the top of women activists' work until the present day. Laura Bier observes that 'Nasserist constructs of citizenship both enabled and limited the sorts of claims that women activists could effectively make on the state' (2011, p. 110); and while the Constitution established women's equality 'in public rights and duties', the laws enshrined women's role within mothering and childcare, while the state offered support to women in their fulfilment of both public and private roles – a point that represents both the opportunities and limitations of women's agency. With Nasser's decision to disband all political parties and civil organisations in 1954, feminist activism was appropriated and monopolised by the state in what has been described as marking 'the beginning of the end of independent feminism in Egypt' (Bier, 2011, p. 55).⁶

Mervat Hatem highlights the paradoxical dimension of Egyptian state feminism, arguing that although the constitution and the laws of the 1950s and 1960s 'made reproduction a public concern for the state and private employers, not just the personal concern of the family' (1992, p. 232), the personal status laws of the 1920s and 1930s remained unrevised maintaining women's social dependence on men. Hatem suggests that the Egyptian form of state feminism carried its own paradoxical aspect due to the incompatibility between the 'progressive framework' of women's rights in the public sphere stipulated in the constitution and labour laws on the one hand, and the 'conservative' personal status law governing women's private sphere on the other (Hatem, 1992, p. 232). The state maintained its monopoly over the feminist realm in Egypt throughout the 1970s and into the 1980s.

In 1981, Egypt's signing of The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and Mubarak's attempts at introducing reforms and opening the door for freedom of association, led to the appearance of non-governmental organisations, including women's associations and feminist organisations,⁷ which were gaining access to international fora where they presented often critical views on the approach of the state to gender equality. The state, therefore, interfered by trying to undermine the NGOs' narrative and by creating a state-controlled alternative, especially following the prominence of Egyptian human rights and feminist NGOs during the 1994 ICPD (UN-sponsored International Conference on Population and Development) in Cairo. Consequently, the National Council for Women, established in 2000, played a role in countering oppositional civil society feminism on the

rise since the early 1990s. However, since 25 January 2011 one could clearly discern the formation of a new wave of Egyptian feminism, marking the rise of civil society feminist activism. In its attempts to curb and contain this movement, the National Council for Women continues to *appropriate* it under the pretext of guarding women's rights against the Islamists' continuous efforts to marginalise these rights. Since 30 June 2013, the National Council for Women is gaining visibility and assuming power as a safeguard for women's demands in the new constitution, in what could be seen as a resolidification of state feminism.

Gendering the Egyptian constitution

The constitution as a social contract

The Constitutions issued by the Egyptian Republic (since the 1952 revolution) emerge as social contracts defining the rights and duties of the citizens, whereas the 1923 Constitution issued during the monarchy came as a grant offered by the King to the nation. In her account of the debates surrounding the 1923 Constitution, Mervat Hatem highlights the various political interpretations of the constitution in terms of 'the relation between the nation, citizens, and the monarchy' (2000, p. 38). She points to three dominant definitions of the constitution expressing different political views: the royalists saw the constitution as a decree issued by the King in the form of a royal grant (*minha*); the nationalists who upheld the nation as the source of power envisioned the constitution as a contract (*'aqd*); while the jurists understood it as (*'ahd*) an historic pledge (Hatem, 2000). The text of the 1923 Constitution, however, is entitled *Royal Decree 42 of the Year 1923* and opens with the Preamble stating: 'We, King of Egypt' (as the country's monarch seeking to establish a modern constitutional system) 'command the following [...] – whereby the 170 constitutional items which follow are arranged in seven parts (*Dostoor*, 1923). Therefore, since the power of issuing the constitution belonged to the King, the decisions of its replacement by the 1930 Constitution, and then its annulment followed by the reactivation of the 1923 Constitution in 1935, came in the form of royal decrees (Royal Decree 70 of the Year 1930; Royal Decree 67 issued on 30 November 1934; Royal Decree 118 issued on 12 December 1935). Thus, before the end of the monarchy in Egypt (in July 1952), the Egyptian Constitution was issued as a *royal decree*, while the 1956 Constitution established the tradition of the constitution as a *social contract*: The Constitution of the Egyptian Republic issued in the name of the Egyptian people.

The notion of the constitution as a social contract has prevailed throughout the years, and hence the Egyptian people felt entitled in 2011 to suspend the 1971 Constitution and call for a new constitution reflective of the new sociopolitical and economic realities that spurred the 25 January revolution. The key constitutional debates that followed the fall of Mubarak centred around whether to retrieve the Egyptian 1971 Constitution without the amendments introduced by Mubarak's regime throughout the previous decades (*Constitution of the Arab Republic of Egypt*, 1971), or to produce a new constitution. It soon became clear that the Egyptian people's understanding of the notion of a revolution entailed not only bringing down the president but his regime – including its supreme constitutional document. In her book on women in the constitution, Egyptian lawyer and women's rights activist, Nehad Abul Qomsan, defines the Constitution as a text that encompasses the rules organising the processes involved in the establishment, transmission and practice of power/authority (*sulta*). It is the state's

supreme legal document by which all the laws abide (Abul Qomsan, 2013, p. 1). Similarly, Farahat and Farahat assert that in order to achieve acceptance by the people and to guarantee social stability, a constitution must reflect at least a minimal degree of the different interests, ideas and aspirations prevalent within a society as represented by the people (Farahat & Farahat, 2011, p. 10).⁸ Yet, the 2012 Constitution, supposedly reflecting the spirit of the revolution, was a product of a process in which a vast majority of Egyptians were excluded and their demands ignored. Women, for instance, were mentioned only twice in the 2012 Constitution – not in its Articles but in the Preamble⁹; and its reference to women has been described as perpetuating Muslim Brotherhood neoliberal values in regard to women's rights (McLarney, 2013). Moreover, the brevity in the phrasing of its articles went against the modern methods of constitutional phrasing, where rights and duties are specified and elaborated in a manner that would ensure their realisation and states the consequences of their violation (Abul Qomsan, 2013, p. 11). Such brief imprecise phrasings can thus lead to a manipulation of women's rights, as women should be included in every article and item in the constitution that 'regulates the different aspects of life, be it public or private, such as the Preamble, the provisions related to equality and socio-economic rights, as well as those concerned with political participation' (Abul Qomsan, 2013, p. 92).

Feminist agency

In her now classic book on the Egyptian feminist movement, Naje Al-Ali relies on Maxine Molyneux's historical and cross-cultural typology of women's movements, whereby she refers to three prototypes of organisation: independent, associational and directed (Al-Ali, 2000, p. 7). Applying this model to the current feminist scene in Egypt, it becomes clear that the Egyptian feminist movement cannot be seen as strictly fitting within any of the three categories: it is neither totally autonomous and separatist, nor is it founded on association and integration with other democratic forces, nor does it follow directions from an encompassing entity. The Egyptian feminist movement includes independent organisations, women's groups associated with democratic coalitions, together with gender initiatives within NGOs and women's committees in political parties – who seem tactically and/or strategically to cross the boundaries of Molyneux's typology. Since the eruption of the revolution in January 2011, Egyptian feminists took an active part in the mass protests seeking to bring down Mubarak's regime, towards the establishment of a new republic founded on the revolution's demands of bread, freedom, dignity and social justice. Yet, following Mubarak's ouster, these same Egyptian women, together with the majority of opposition groups, parties and individuals at the heart of the revolution, found themselves excluded from the political process that ensued.

As early as February 2011, Egyptian feminist non-governmental organisations held their first meeting following the beginning of the revolution, and decided to form the Egyptian Coalition of Feminist Organisations (*Tahaluf al-munazzamaat al-niswiya*). This entity included a variety of liberal and left-wing NGOs which had been already working together since the 1990s on joint campaigns around freedom of association and towards the enforcement of women's socio-economic, political and cultural rights in light of CEDAW. The Coalition, considering itself an integral part of the revolution, decided to organise itself and work in cooperation among its member organisations as well as in coordination with the revolutionary movement, together with the newly emerging liberal and leftist political groups and parties. Asserting women's rights in the

new constitution soon occupied its position at the top of the Coalition's agenda in a multi-dimensional/simultaneous action: (a) suggesting criteria for membership in the constitution-drafting committee; (b) conducting surveys to collect Egyptian women's vision regarding their constitutional rights; (c) phrasing women's rights in constitutional language and in line with the Egyptian constitutional tradition; and (d) campaigning for women's constitutional rights.

Thus, the Women and Memory Forum initiated the WCWG (*Magmu'at 'amal al-nisaa' wal-dostoor*), including representatives from Coalition organisations as well as individual women's rights activists, working independently and also in communication with the popular initiative Let's Write Our Constitution group (*Ta'alu niktib dostoorna*). Similarly, the New Woman Research Centre, led the coordination with the Constitution for All Egyptians Front (*Gabhat dostoor li-kul al-masriyeen*), which was politically involved in defining the process of constitution-drafting and setting the criteria for the Constituent Assembly's membership. Other Coalition members contributed to the constitution-writing process through the direct collection of women's demands and aspirations. The Centre for Egyptian Women's Legal Assistance and the Egyptian Centre for the Development of Communication Methods (ACT Egypt) jointly conducted two surveys studying Egyptian women's demands in the new constitution. The WCWG started off by studying the Egyptian constitutions since the 1923 Constitution, conducted from a gender perspective, whilst taking into consideration children's rights, personal rights, citizenship rights, as well as cultural and socio-economic rights included in the survey, in light of Egyptian constitutions and international conventions. Endorsed by Coalition members, by the Constitution for All Egyptians Front and by the growing Egyptian women's movement, the document was submitted to Parliament in March 2012 by the Women with the Revolution (*Nisaa' ma'a al-thawra*) alliance bringing together feminist organisations as well as women's groups and individuals. Once the Constituent Assembly was formed, copies of the document were sent to each one of its members.

The Women and Constitution Document (WCD) combined women's demands with those of the revolution. Following the structure of Egyptian constitutions that opened with preambles, the document emphasised in its Preamble equality and justice without any discrimination based on gender, religion, class or geographical affiliation. It also obligated the state to pay special attention to the disadvantaged sectors of society in terms of social, economic, educational, cultural and health services. The Preamble also acknowledged international conventions as an integral part of national laws, with indirect reference to both the CEDAW and the Convention on the Rights of the Child. The Articles included in WCD directly address the general principles set in the Preamble, and hence state that all citizens are equal before the law in terms of rights, freedoms and duties.

The state is also obliged to ensure equal opportunities for all citizens, taking possible legislative and other measures to protect vulnerable individuals or groups. All forms of discrimination are criminalised, be they related to sex, ethnicity, race, language, religion, creed, class, marital status or pregnancy. The document also suggested that a national entity be formed, under the umbrella of the Parliament, that would observe the implementation of gender equal opportunity policies and handle discrimination-based conflicts as well as all forms of gender-based violation to which women are subjected. Concerning political participation, WCD stated that all social groups should be represented in government and governance, stressing women's right to 'munaasafa' (parity: 50% representation). Furthermore, the document upheld women's rights included in both the 1956 and 1971 Constitutions in relation to labour rights, stressing women's

right to equal pay, and demanding state recognition of all forms of labour: formal, informal, seasonal and others, granting equal social, medical and financial insurance to all. WCD obliged the state to offer free education and health services to all its citizens, including offering the necessary care to those with special needs. Finally, the phrasing of the Articles related to freedoms refers to both political and personal freedoms, obliging the state to respect the right to privacy, personal freedom as well as physical and psychological safety. Violence and torture are criminalised in both the public and private spheres (*Tahaluf*, pp. 47–48).¹⁰

Towards inserting women's rights in the 2014 constitution

The ousting of President Morsi on 3 July 2013 was accompanied by a series of procedures, known as the 'road map', which included the suspension of the 2012 Constitution and the appointment of Adly Mansour as interim president until the implementation of the next presidential elections. Mansour soon issued a constitutional declaration which announced the formation of two constitutional bodies to review and amend the 2012 Constitution: (1) The Constitutional Expert Committee comprised of ten members including six representatives nominated by three Courts and four constitutional law academics nominated by the Supreme Council of Egyptian Universities; (2) The Constitutional Committee comprised of fifty members – with 80% representation nominated by their respective political parties, religious institutions, unions and syndicates as well as revolutionary youth, in addition to the 20% public figures nominated by the government (Cabinet of Ministers). It is in this sense, as already mentioned above, that the entity in charge of reviewing the 2012 Constitution was neither literally elected nor strictly appointed. The Expert Committee ended its month's work producing the *Draft of Amended Constitution-2013* which formed the basis for the Constitutional Committee to review it. Egyptian feminists continued their close participation in monitoring the constitutional process in both form and content – focusing again on the membership of the committee as well as the inclusion of women's rights in the emerging draft.

Due to women's poor representation at top judiciary positions in Egypt, the Experts Committee expectedly included no women among its members; while the Constitutional Committee ended up with five women (10% representation). Despite the underrepresentation of women, the feminist movement was to a certain extent satisfied by the criteria of women's representation: Chair of the National Council for Women, Chair of the National Council for Motherhood and Childhood and most importantly both the feminist academic Hoda Elsadda and feminist lawyer Mona Zulficar.¹¹ Moreover, the Committee itself included a significant number of members known for their support of equality and rejection of various forms of discrimination. Thus, the underrepresentation of women in the Constitutional Committee was balanced by a marked support of women's rights by a large proportion of its members. The Experts Constitutional Committee issued its *Draft of Amended Constitution-2013* including a completely altered Preamble with minor changes in the Articles themselves. Consequently, out of their concern for the assertion of women's rights in the constitution, the Women and Constitution Committee in the Coalition of Egyptian Feminist Organisations discussed the proposed amendments from a gender perspective, and issued an open letter addressed to the Constitution Committee on the day of the Committee's opening session (8 September 2013). The letter included a critical reading of five gender-related constitutional articles, suggested alternative phrasings, and listed several general demands.¹²

The Coalition further made all effort to present women's demands during three hearing sessions held by the Constitution Committee. Looking at the final draft of the 2014 Constitution, it becomes clear in my view that this time women's voices were heard.

However, when it came to voting on the Constitution referendum, which was carried out in January 2014, feminists were divided between those who voted for the Constitution based on the inclusion of women's rights and civil rights,¹³ and those who decided that the inclusion of women's rights should not prevent feminists from voting against a Constitution which at the same time acknowledged military trials for civilians and granted the military economic privileges, which seemed to defy human rights on other levels. After opening the referendum for public voting, the majority of votes came in favour of approving the new Constitution. It was finally ratified in January 2014 (*Constitution of the Arab Republic of Egypt, 2014*).

Conclusion: the ongoing revolution

Al-thawra mustamirra (The Revolution Continues) is not merely a slogan raised after the ousting of the former president Hosni Mubarak on 11 February 2011, to urge the revolutionaries and encourage the nation to continue the struggle till the realisation of the demands raised during the first eighteen days. Rather, it is a reality that has visibly started in the previous decade and continues to shape our life. In the preface to her book on Cairo and the revolution, Ahdaf Soueif states the following:

A revolution is a process, not an event. And, as you know, our Egyptian revolution is ongoing. And its path has not been smooth. How could it have been when the interests we are seeking to break free of are so powerful and so pervasive? (2012, p. xiv)

Similarly, today's Constitution marks another stage in the history of Egyptian constitutions that has been intertwined with national revolutionary history – a history in which women have been playing active roles, combining national demands with feminist rights. Today, feminist engagement with women's rights involves the issues of political representation, non-discrimination and confrontation against all forms of violence. In this sense, women's demands intersect with the general revolutionary demands for justice, dignity and freedom.

While pushing for their rights, Egyptian feminists are gaining experience as to combining their gendered demands with the national demands, and are developing tools of political activism. Aware of the importance of the Constitution in forging our present and future, we have engaged ourselves with the constitution-writing process and managed to convey our own vision of women's rights and to work together towards inserting them in the Constitution. In March 2012, I had the honour of joining a delegation of Egyptian feminists who submitted their demands to the Constituent Assembly in charge of drafting the (suspended) 2012 Constitution; and again in October 2013, I joined a delegation of Egyptian political and feminist activists participating in a hearing session organised by the Constituent Committee to present our demands and argue for their inclusion in the Constitution. Egyptian feminists' struggles today mark a stage in the continuum of the Egyptian women's movement, while simultaneously writing a chapter in our contemporary history. The Egyptian women's struggle is a continuous social, political and cultural process that carves its way within the ongoing revolution.

Notes

1. This is a translation of a slogan chanted by women during the demonstrations held against the exclusionary and unrepresentative membership of the Constituent Assembly in 2012. All translations in the article from Arabic texts are mine.
2. Members of the core group include: Amina Elbendary, Hala Kamal and Maissan Hassan (Women and Memory Forum); Salma El-Naqqash and Yara Sallam (Nazra for Feminist Studies); Amani Khalil (Nadeem Center); Marwa Sharafeldin (specialist in Islamic legal studies); Sara Naguib Sedrak (political activist).
3. For instance, only three entries out of almost 500 citations deal with the Egyptian constitution in Mark Allen Peterson's 'Bibliography of the Egyptian Uprisings' (posted on the website of his book *Connected in Egypt: Growing Up Cosmopolitan in the Modern Middle East*). Moreover, the three articles were published in the period 2011–2012 mostly addressing the expected challenges rather than the process itself.
4. Two Constitutional Assemblies were formed based on criteria including both elected and appointed members. The first Assembly included a vast Islamist majority – both elected and appointed. It was formed in March 2012, and then immediately disbanded by a court verdict in April 2012, based on the flawed membership criteria and election process. In June 2012, the second Constitutional Assembly was formed, including a slightly wider spectrum of representation, yet remained unrepresentative of the political, cultural, social and professional diversity characteristic of the Egyptian society. For more on the 2012 Constitution crisis, see Abdel-Mageed (2012).
5. I use the term Constitutional Assembly in reference to the early constitution-writing that produced the 2012 Constitution. Whereas I use the term Constitutional Committee in reference to the 50-member group in charge of constitutional amendments of the 2012 Constitution based on the revised document produced by the 10-member Constitutional Experts Committee. Although the notion of an elected Constitutional Assembly has been established in previous constitution-writing experiences worldwide (Fafard & Reid, 1991), the Egyptian term used for the current entity is *lagna* (committee). Hence, my use of the term Constitutional Committee.
6. For more on 'state feminism' in Egypt, see Hatem (1992), and Bier (2011) in the chapter entitled 'Egyptian Women in Question: The Historical Roots of State Feminism', pp. 23–59.
7. For an informative study on secular Egyptian feminist activism, see Al-Ali (2000).
8. In their contemporary reading of the Egyptian constitutional history, Farahat and Farahat (2011) offer a critical outline of this history by going back to the earliest constitutional documents issued by Mohammed Ali as early as the beginnings of the nineteenth century up till the process leading to the 2012 Constitution.
9. A translation into English of the 2012 Constitution was published in *Egypt Independent* on 2 December 2012. <http://www.egyptindependent.com/news/egypt-s-draft-constitution-translated>
10. A comprehensive booklet was published by *Tahaluf al-munazzamaat al-niswiya* (Coalition of Feminist Organisations) as part of the campaign to include women's rights in the constitution, and appeared in September 2012 entitled *Al mara'a wal-dostoor* (Women & the Constitution), composed of three sections: a historical perspective; fieldwork and survey of women's perceptions of their rights to be included in the constitution; and finally, the challenges facing Egyptian women and their aspirations.
11. Mona Zulficar was closely involved in the presidential process of establishing constitution membership criteria – the draft of which she had shared and discussed with the Coalition of Feminist Organisations in a meeting held at the New Woman Foundation on 21 July 2013.
12. For the complete text of the letter, see Kamal (2013), pp. 87–93.
13. *Civil Rights in the Egyptian Constitution of 2013* (2014). Cairo: National Council for Women.

Notes on contributor

Hala Kamal is an academic, translator and feminist activist. She is an associate professor of gender studies at the Department of English, Cairo University (Egypt). She is co-founder of the Women and Memory Forum, and its representative in the Egyptian Coalition of Feminist

Organisations. Her research interests and publications include: women's studies; cultural studies; translation studies; and feminist theory, criticism and activism.

References

- Abdel-Mageed, W. (2012). *Azmat Dostoor 2012: Tawtheeq wa tahleel, shahada min dakhil al-gam'iyā al-ta'seesiya* [The 2012 constitution crisis: Documentation and analysis, a testimony from inside the constituent assembly]. Cairo: Ishbiliya.
- Abul Qomsan, N. (2013). *Al-mara'a fi al-dostoor ma bayn al-mabaadi' wal-ahkaam* [Women in the constitution between principles and rulings]. Cairo: Dar Nahdat Misr.
- Al-Ali, N. (2000). *Secularism, gender and the state in the Middle East: The Egyptian women's movement*. Cambridge: Cambridge University Press.
- Al-Sobki, A. (1986). *Al-haraka al-nisaa'iyā fi misr ma bayna al-thawratayn 1919–1952* [The women's movement in Egypt between the two revolutions 1919–1952]. Cairo: General Egyptian Book Organisation.
- Baron, B. (1994). *The women's awakening in Egypt: Culture, society, and the press*. New Haven, CT: Yale University Press.
- Bier, L. (2011). *Revolutionary womanhood: Feminism, modernity and the state in Nasser's Egypt*. Stanford, CA: Stanford University Press.
- Constitution of the Arab Republic of Egypt*. 1971. Retrieved from <http://www.sis.gov.eg/En/Templates/Articles/tmpArticles.aspx?CatID=208#.U40bto4rzzj>
- Constitution of the Arab Republic of Egypt*. 2014. (Unofficial translation). Retrieved from <http://www.sis.gov.eg/Newv/Dustor-en001.pdf>
- Dostoor*. 1923. (Royal Decree No. 42 of 1923 on building a constitutional system for the Egyptian State). Retrieved from http://www.constitutionnet.org/files/1923_egyptian_constitution_english_1.pdf
- Dostoor*. 1956. (in Arabic). Retrieved from http://www.constitutionnet.org/files/constitution_of_1956-arabic.pdf
- Elsadda, H., & Abu-Ghazi, E. (2001). *Significant moments in the history of Egyptian women*. (H. Kamal, Trans.). Cairo: National Council for Women.
- Elsadda, H. (2012). *Gender, nation, and the Arabic novel: Egypt, 1892–2008*. Edinburgh: Edinburgh University Press.
- Fafard, P., & Reid, D. R. (1991). *Constituent assemblies: A comparative survey*. Research Paper No. 30. Ontario: Queen's University Institute of Intergovernmental Relations.
- Farahat, M. N., & Farahat, O. (2011). *Al-tareekh al-dostoori al-misri: qiraa'a min manzoor thawrat yanayir 2011* [Egyptian constitutional history: A reading from the perspective of the January 2011 revolution]. Cairo: Al-Dar al-Arabiya lil-'Uloom & Al-Jazeera Centre for Studies.
- Hatem, M. (1992). Economic and political liberation in Egypt and the demise of state feminism. *International Journal of Middle East Studies*, 24, 231–251.
- Hatem, M. (2000). The pitfalls of the nationalist discourses on citizenship. In S. Joseph (Ed.), *Gender and citizenship in the Middle East* (pp. 33–57). Syracuse, NY: Syracuse University Press.
- Kamal, H. (2013). Nahwa tadmeen matalib al-nisaa' fi dostoor misr al-thawra [Towards including women's demands in the constitution of revolutionary Egypt]. *Tiba: Al-nisaa' wal-tashree'* [Tiba: Women and Legislation], 17, 77–96.
- McLarney, E. (2013, May 22). Women's rights in the Egyptian constitution: (Neo)liberalism's family values. *Jadaliyya*. Retrieved from http://www.jadaliyya.com/pages/index/11852/womens-rights-in-the-egyptian-constitution_%28neo%29li
- Sha'rawi, H. (Ed.). (2013). *Muthakkiraat Huda Sha'rawi* [Huda Sha'rawi's Memoir]. Beirut: Dar al-Tanweer.
- Soueif, A. (2012). *Cairo: My city, our revolution*. London: Bloomsbury.
- Tahaluf al-munazzamaat al-niswiya [Coalition of Feminist Organisations]. (2012, September). *Al-mar'a wal-dostoor* (Women & the Constitution). Cairo: CEWLA.