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Mapping gendered spaces and women's rights in the modern egyptian public sphere

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Abstract

This paper draws on secularisation and feminist theories to analyse the intersection between political, religious and economic factors in defining the gendered borders and women's rights in the modern Egyptian public sphere. However, this present study concludes that the struggle for power between Islamists and secular-oriented forces and the rise of interactive social media platforms in a patriarchal class society revived the heated debates on women's rights, gendered spaces and the role of religion in the public sphere. Discussions point to a wide range of Egyptians' responses to these issues and also suggest that a new feminist consciousness and behaviour are growing. This new feminist consciousness is more grounded in a socio-economic context than a religious one. Therefore, this study suggests a need for serious societal and legal discussions to re-actualise laws pertaining to women's rights and visibility in the public sphere. These laws and a pro-women discourse should cope with the current socio-economic context and individuals' needs and aspirations in their globalized societies.

Keywords Constitution · Family · Gender · Islam · Modernity · Secular

Introduction

Egyptian women's participation in the modern public sphere has been the subject of serious debates among scholars for many decades. The central question is whether Islam primarily influences women's participation in the modern Egyptian public sphere or should be ascribed to other socio-economic, cultural or political factors. For instance, Barsoum et al. (2009) and Halim (2015) attribute Egyptian women's low participation in the public sphere to deep-rooted cultural and religious values that support relegating women to the domestic sphere. However, other studies defend Islam but blame cultural traditions as the cause of gender inequality and

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encouraging female domesticity (El-Safty 2004; Abdel-Latif 2008). Other scholars focus on factors such as the high literacy rate, poverty, and conservative social norms in analysing the reasons behind Egyptian women's low participation in the public sphere (Nazeer 2017). In her study "Women's Participation in the Egyptian Labor Market: 1998–2012" (2015), Rana Hendy objects that illiteracy could be a significant factor, mainly because of a remarkable increase in women's educational accomplishment, which has become higher for women than their male peers. According to Hendy, preserving the traditional gendered borders in modern Egypt is mainly grounded in deep-rooted cultural values (Hendy 2015).

However, blaming Egyptian culture for relegating women to the domestic sphere is unjustifiable when we look at Egyptian women's position in the public sphere before the Greek conquest of Egypt in 333 BC. According to Ahmed (1992), Egyptian laws and public attitudes towards women until the Greek invasion and even for quite some time after that fostered a liberal and egalitarian environment. The habits, social customs, and laws changed, and women's position declined, influenced by the Christian Greeks and Romans before the Muslim conquest between 636 and 646 AD (Tignor 2010, p. 6). Despite conservative mores and regulations held by Muslim rulers to relegate women to the private sphere and force them to dress in a certain way in the public sphere, Egyptian women showed resistance to these patriarchal laws throughout history. Accounts from the thirteenth century after the royal edict suggest that banned women from appearing on the streets, Ibn al-Hajj's (1250–1336), an Egyptian Moroccan scholar and theologian, confirmed that women's presence in the market exceeded men's presence and that women were able to intimately converse with men, in particular on Thursdays, since it was the weekend (Guthrie 2001, p. 150). Following this line of thought, this paper highlights the role of the political factor in preserving traditional gender roles in modern Egypt despite their different political orientations. Additionally, the paper examines the role of the socioeconomic factor in supporting a feminist counter-vision. This paper argues that this feminist counter-vision from below can disrupt the prevailing discourse and laws that preserve traditional gendered spaces and hierarchies. To this end, this paper employs secularisation and feminist theories in charting the modern Muslim State's ambivalent attitude towards redefining gendered spaces in modern Egypt and its impact on women's social and political rights in the public sphere.

Secularization and muslim women's visibility in the public sphere between theory and practice

Secularism, public/private sphere divide and citizenship

Secularity is considered one of the main features of modern society. The spread of education, scientific discoveries, and advanced technology are expected to lead to a gradual decline in belief in supernatural powers and religious beliefs in orchestrating individuals' lives. In modern society, individuals rely on rational thinking based on scientific reason. The waning of the religious influence on the individual's level in the social domain goes hand in hand with the decline of religious authority in the

political sphere. The religious institution becomes one among other institutions in the State, which is supposed not to promote a specific religion over the other. The State's neutrality intends to achieve equality for all citizens irrespective of their religious creeds, sex or race. This normative model is grounded in a secular narrative that calls for privatising religion represented in its laws, practices and values. The privatisation of religion is supposed to ensure equality for all citizens in the public sphere irrespective of their religious differences.

On the other hand, the private space is considered a space for family and individuals' private values and identities that must be free from the state's interference. Moreover, the State itself has to protect individuals' freedom in this private sphere, different from the public space or the State's institutional domain. This secularisation narrative manifested itself with the appearance of the European nation-state during the nineteenth century and early twentieth century. This nation-state claimed its uncontested power to control and rule over the public space and draw clear borders between the private and public spaces (Ferrari 2012, p. 72). Nonetheless, this relationship between the State and religion has been changing since the post- Second World War. The role of religion in the public sphere, as an instrument for "social cohesion", or as an expression of identity that cannot be necessarily relegated to the private sphere, has been very dynamic and ideological. Socio-economic and political contexts have strongly affected the relationship between religion and the State. This contextual relationship results in continuous shifts in the form of the private–public divide in most modern Western societies. There are three spaces in these post-Second World War European societies regulated by legal constitutions: the private sphere, the institutional public sphere, and the civil society. Civil society is the space where both the public sphere and private sphere identities could meet and interact. In this context, constitutions tend to reconstruct the relationship between the State, religion and citizens in a way that could curb the State's monopoly over the public sphere. Curbing the State's authority by legal constitutions aims to (I) guarantee all citizens their "fundamental rights" in the democratic public sphere and (II) allow for pluralism in the public sphere. In this formula, the State turned from an "end" in itself into a "means" to grant all citizens their "fundamental rights" in an assumed democratic public sphere (Ferrari 2012, p. 71).

This separation and interconnections between spaces that are consolidated by laws and regulations in constitutional texts differ according to societies' different cultural components. Therefore, constitutional secularism has different models since constitutions are legal texts representing the historical, political and social contexts in which they are ratified. Nevertheless, it seems clear that constitutional secularism in countries with a Muslim majority results in various contradictions and exceptions, particularly in dealing with the supposed secular public sphere versus the intimate private sphere. Looking at the Egyptian case, Egypt declared Islam as its official religion in the 1923 constitution (Article 149) (Agram 2010; Hatem 2000), and the current Egyptian constitution affirms that the Islamic Sharia is the principal source of legislation (Article 2). However, the legal system is derived from secular French laws. The Egyptian courts depend on French law and ignore essential references of the Islamic Sharia. Moreover, religious institutions, like Al-Azhar, are officially curbed in informing the State policy. This may suggest that Egypt should

be recognised as a secular State, but we encounter laws that govern family relations. These laws are based on Sharia laws and the religious institution's interpretation of the sacred texts (Agrama 2010, p. 497–498).

In the following section, the article explores the tension that arises from combining both religious laws that support women´s domesticity and the liberal language of gender equality and women´s emancipation in successive constitutions.

Gendered spaces, pubic morality and law in islamic theory and public imagination

The domesticity of Muslim women is supported by prevailing thinking rooted in the divide between male and female spaces in traditional Islamic theory. According to Fatima Mernissi, a Moroccan sociologist and feminist, the universe is divided according to established Islamic theory into two spaces according to sexes. Domestic space is assigned to women, femininity and sexuality, while the public space is designated for men (Mernissi 1987, p. 137). Therefore, Muslim women are required to wear the hijab to hide their beauty and charm when they step into the public sphere or be relegated to the private domestic sphere (Mernissi 1987, p. 41). However, Mernissi argues, relegating Muslim women to the private sphere and hiding them contradicts true ethical Islam. Muslim women were deprived of their rights by Muslim male elites. Those male elites used their authority to enforce the most conservative interpretation of the Quranic verses to achieve their interests, particularly with the absence of females' significant role in interpreting the sacred verses throughout Muslim/Arab societies' history. Mernissi states: "I had come to understand one thing: if women's rights are a problem for some modern Muslim men, it is neither because of the Koran nor the Prophet, nor the Islamic tradition, but simply because of those rights conflict with the interests of a male elite" (Mernissi, 1991, p.xi). Mernissi's argument can be strongly supported by the religio-political authorities' inconsistent attitude towards women's position and visibility in the public sphere throughout history. Women have been under the control of rulers who enacted oppressive laws to regulate gender interactions in the public sphere or even banned women from stepping into the public sphere from time to time. This was conducted under the claim of ensuring morality and enforcing "true" Islamic values. For instance, around 1000, Al-Hakim, the ruler of Egypt, enacted a royal decree that banned all women from accessing the public sphere. He claimed that women's immoral behaviour and immodest dress caused the rage of God, who punished all Egyptians by plague. This claim was repeated when a series of plagues struck Egypt during the fifteenth century (Guthrie 2001, p. 19).

Furthermore, the Egyptian American historian Leila Ahmed maintains that women's visibility and participation in the Egyptian society were highly influenced by their socio-economic status Gender relations and women's visibility in the Egyptian public sphere until the beginning of the nineteenth century were governed by overlapping factors: the laws and customs that govern marriage, the social system of the harem (or seclusion of women in private quarters) and the social class to which the woman belongs. Women´s social class governed the other factors. In the

upper- class, women were restricted to their harem, and polygamy was widespread. However, families were largely monogamous in the lower classes, and women had to work to support their husbands (Ahmed 1992, p. 102–103; Cuno 2015, p. 7–15).

From the nineteenth century, Egyptian societies witnessed cultural and social changes caused by many factors, such as urbanisation, the spread of education (particularly for men) and the encounter with modern Western values. Egyptian modernist thinkers such as the teacher and scholar Rifa'a al-Tahtawi (1801–73) and the judge and feminist Qasim Amin (1863–1908) supported the monogamous marriage and women's domesticity as mothers and children's carers. They considered this new family concept and women's role in it a necessity for rearing good children and, as a result, for the well-being of society (Cuno 2015, p. 6). According to Cuno (2015), this ideology of women's domesticity "was part of a nationalist agenda of social improvement". According to their view, "Companionate marriage was an essential component of that vision, and to achieve it 'men had to reform, and women had to acquire education. Men were expected to commit to monogamy and women to become "worthy companions". Those Egyptian modernists were influenced by the French thinking of women's confinement to their husbands' homes during the nineteenth century (Cuno, 2015, p. 6). However, this domestic ideology was also later "invoked to frustrate women's ambitions for full citizenship and participation in public life" (Cuno 2015, p. 121–122).

The ideology of women's domesticity is also compatible with maintenance-obedience concept in traditional Islamic theory that was strengthened and integrated into modern constitutions through what has been called the "Personal Status Law". In 1875, Mohamed Qadri Pasha[1] (1821–1888) published the "unofficial code of Muslim family law" as a reference for the mixed courts. Qadri's law "introduced the concept of family law to the Egyptian society as a personal status law, borrowing a terminology used in colonial Algeria". According to the *Qadri's law*, women's obedience to their husbands, meaning their remaining at home that was subjected to maintenance in Islam, turned into a law "in which the wife's duty of obedience included remaining at home. Whereas in practice her duty of obedience was contingent on receiving maintenance, the code stated it as an unqualified rule". Cuno (2015) maintains that although this ideology of Egyptian Muslim women remaining at home and men providing for them has little connection with previous eras' traditions, the new law "habituated Egyptians to thinking about the family and the domestic sphere as the domain of religion" (Cuno 2015, p. 17).

Although women's legal difficulties in marriage, especially regarding the collection of alimony areas when women were deserted or in the case of their husbands´ disappearance, led to many proposals for family law reform during the first half of the nineteenth century. These legal reforms were called for using the laws of other Sunni Schools´ (Maliki and Shafi'i) jurisprudence to facilitate women collecting alimony and enabling them to file for divorce. These discussions on the family crisis

[1] Egyptian jurist who used his legal training and knowledge of foreign languages to codify, along Western lines, Islamic legal regulations in family law, inheritance law, civil law, and the law of religious endowments.

and women´s maintenance were in compliance with the "spectre of unsupported and unsupervised women resorting to immoral activity". The law could be reformed to solve the problem of "non-maintenance, but male reformers introduced the root of the issue as "men who failed to fulfil their responsibilities in a maintenance-obedience relationship". This "discourse assumed a socially normative world made up of households consisting of obedient and dependent women and the men who supported them, and it either elided the reality of working women or regarded them as a threat to morality. This perspective was not very different from the view of early twentieth-century female upholders of domesticity" (Cuno 2015, p. 156–157). Overall, modernizing Egyptian women´s status during this period advocated a monogamous marriage and women´s education intended for the welfare of the Egyptian family and society. However, this modernization process consolidated traditional gendered borders.

Modern constitutions, gendered border and women's participation in the public sphere

In 1922, Britain granted Egypt semi-formal independence, and the colonial authorities agreed to promulgate a democratic constitution within a year. The 1923 Constitution was drafted based on Western liberal documents by Egyptian legal experts, who were pro-Western modern political values. Liberalism was intended to rethink society through the principles of secular nationalism. The European-style constitution and political pluralism were integrated into the country's political landscape while preserving Egyptian Muslim culture and values, particularly regarding women's place in society (Hourani 1983, p. 217–251).

During this period, Egyptian society witnessed an atmosphere of social and cultural development concerning women's presence and role in the public sphere. Athough the debates on improving women's status started during the second half of the nineteenth century by the Muslim male elite, nonetheless, it was during this "liberal" period that the Egyptian women's movement demanded women's political rights in the public sphere. Egyptian women's movement started mainly with women demonstrating against the British colonisation in 1919. However, the unveiling of upper-class feminist Huda Shaarawi (1879–1947) at the Egyptian railway station on her return from the International Women's Conference in Rome in 1923 was considered a turning point in the history of Egyptian feminism. This unveiling stood as a symbolic act of liberating Egyptian / Arab women from gender segregation and supporting women's rights in the public sphere (Nelson 1996, p. 26). Shaarawi founded *the Egyptian Feminist Union* in 1923 and became its president. Through the *EFU*, Shaarawi demanded laws that improved women's status concerning marriage and divorce and their participation in the public sphere by demanding women's rights to work and study (Badran 1987). Nonetheless, the 1923 Constitution affirmed women´s domesticity and financial dependency on men. Moreover, women were not granted political rights in the public sphere like voting or running for parliament mainly because of the resistance of many men, who had political, legislative and administrative power (Hatem 2000, p. 40–41). The 1923 Constitution,

which was drafted only by men (the legislative committee that drafted the constitution consisted of 30 male members of political parties and revolutionary movement against British colonialism) (Tolina 2018, p. 146), mentioned women only once requiring primary education for boys and girls. Even if Article 3 of the 1923 Constitution mentioned equality of all Egyptians, Mervat Hatem maintains that "the 1923 Constitution established the masculine character of the nation by only recognising adult male citizens as members" (Hatem 2000, p. 35). Interestingly, it seems that the founders of the "Egyptian Feminist Union" (EFU) agreed with the Constitution male members that Egyptian women "were not yet worthy" for equal political rights. Therefore, the EFU endeavoured to prepare women for their modern political rights through educating them and raising their social and political "standard" (Hatem, 2000, p. 42).

Demanding women's social and political rights would be resumed after more than a decade mainly by the feminist Doria Shafik (1908–1975). Doria Shafik was a middle-class feminist, poet, writer and social activist. She was first Egyptian woman to be awarded a doctorate in philosophy from Sorbonne in 1939. Shafik wrote her dissertation on ancient Egyptian art and women's equal rights in Islam. Shafik was also interested in fashion and beauty, and she was the first Egyptian Muslim female to enter a beauty pageant in 1935 (Nelson 1996, p. 60). Shafik received her first clash when she sought a position in the Faculty of Arts. The Dean of the College of Philosophy, Doctor Ahmed Amin (1886–1954), was shocked by the fashionable Parisian appearance and insisted on rejecting her request. According to Shafik, the Dean opposed the role of women outside of their traditional roles in her home, especially when women were dressed in such revealing clothes. According to the Dean, appointing a daring and beautiful woman in such a modern French style might threaten the university's reputation (Nelson 1996, p. 90). In this context, the concept of exposing women's bodies as a threat to public morals was invoked. However, it is worth mentioning that by the end of the 1920s, the national dress (loose garment called galabya) was worn by the masses of the traditional uneducated social classes, rural and urban. Those classes did not have access to Western values and goods of the elites' modernising vision. The educated, primarily urban classes embraced the fashionable Western dress code as a symbol of the modern Egyptian woman (Nelson 1996; Abaza 2006). Nonetheless, not only Shafik failed to get a job at the university, but she was criticised by middle- and upper-class women for seeking work to earn money. Work for money was considered not socially accepted in these classes. Women's education was to attract a suitable suitor on whom a wife becomes financially dependent.

However, Shafik was a modernist Muslim woman whose goal was to create a public and political space for Egyptian women on different grounds from those of the feminists who preceded her. She wanted to challenge prevailing Islamic traditions and institutions by demanding full political equality between men and women and to change women's perception of themselves and their place in the broader political system (Nelson 1996, p. 146). She believed that women's rights would be achieved when women participated in writing the laws. Thus, her primary target was achieving women's rights to vote and run for parliament. However, the government continued delaying fulfilling the promises of reforming the Personal Status Law and

women's right to vote and nominate for parliament. In response, and encouraged by the discourse of liberal atmosphere and political pluralism in modern Egypt, Shafik led a protest of 1,500 women from an organisation she founded, "Bint El Nil Organization", and other feminist organisations to the Egyptian senate on February 19, 1951. The protest ended with a new promise by the parliament's president to look into the women's demands, but his promise was not fulfilled. Instead, Shafik faced charges of leading a march that assaulted the senate by the Attorney General.

Nonetheless, a week later, member in the parliament presented a draft law guaranteeing women's right to vote and run for parliament. The draft was supported by many progressive jurists and feminist forces while criticized by the local press by conservatives and anti-feminist writers. Although Shafik's feminist protest aroused debates on Muslim women's constitutional rights nationally and internally, these debates ended with the King's interference against Shafik's demands. The King stood against women's demands. He was encouraged by a petition against feminist demands submitted by the President of the council of administration of the Association of Sunnites, Muhammed Hamid Al-Fiki. The latter saw the feminist movement as a plot against Egypt and Islam, asking the King to "Keep the Women within Bounds!". The King used his sovereignty and insisted that women would not be granted these rights in his lifetime (Nelson 1996, p. 168–182). Indeed, although the 1923 Constitution was considered an undeniable step toward establishing a modern democratic political life in Egypt, the Constitution gave the King broad authority over ratifying laws. The King had an absolute right to dissolve the parliament and veto parliament bills (Hatem 2000, p. 37).

In addition, the Grand Mufti,[2] Shaykh Hassanayn Muhammed MaKhluf, rejected Shafik's feminist views and maintained that Islam establishes barriers between women and unrelated men. Thus, women's political rights that could grant women to travel alone and attend conferences like male ministers contradict Islamic values. As a result, the government's decision that was on its way to amend the election laws ended with negating the previous promise based on an Article of the 1923 Constitution. Article 149 states, "Islam is the religion of the state". According to Shafik, such a decision could end the discussion of the feminist question and crush a robust feminist movement in Egypt during this period (Nelson 1996, p. 182–184). In summary, Shafik failed to achieve women's rights during this stage because of the hostile religious-political atmosphere and prevailing social norms that did not support women´s active participation in a modern public sphere.

Shafik believed that once the monarchy fell in 1952, Egypt would witness the beginning of a pro-women attitude, but nothing changed—women were neither allowed to vote nor participate in the constituent assembly. In March 1954, Shafik invited women from all other feminist fractions to join her on a "hunger strike" in front of the Press Syndicate to demand their rights when the constitutional committee was announced without female members. Most local press that dealt with the strike did not focus on women's demands but their appearance and bodies. The local press ridiculed those women and did not take them seriously and accused them

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[2] The Grand Mufti is the head of regional muftis, Islamic jurisconsults, of a state.

of immorality, mainly since they dressed in their light home mantels and pijamas and without wearing head-covers. The strike ended after President Mohamed Naguib's new governments promised to consider women's demands (Nelson 1996, p. 201–202; Hatem 2000, p. 46).

Women were granted unprecedented social and political rights during President Abdul Nasser´s era (1965–1970) in line with his nationalist socialist ideology. Abdul Nasser´s secularism was used as an ideology to achieve his social justice and equality project. His government enacted laws that supported women's rights in higher education and participation in the labour market, marginalising religion's role in politics (Hatem 2000). Even if Article 3 of the 1956 Constitution states that "Islam is the religion of the State and Arabic is its official language", the State granted women the right to vote and run for parliament. The 1956 Constitution is the first Egyptian constitution to refer to gender equality. Article 31 states, "All Egyptians are equal under the law in public rights and duties, without discrimination due to sex, origin, language, religion, or belief" (Jumhuriyyat Misr, "al-Dustur," 1956). Other feminist rights followed that granted rights of female civil workers to social services and maternity leave and the right to participate in the labour market. The state was also committed to supporting women's primary role as mothers and wives and protecting their presence in the "male" public sphere. Hatem (2000) affirms the need for new pro-gender equality discourse that could change individuals' perceptions of traditional gender roles. She writes, "By themselves, the legal rights given to women were not enough to secure their equality in the fraternal public sphere. The state believed that its political commitment was needed to create a space in this inhospitable arena" (49).

On the other hand, even with all women's rights granted, women's visibility and participation in the public sphere were under the State's vision of women's participation in the public sphere. Women were in the public sphere to study and work but not to disagree with the state's rhetoric or vision of the public sphere and society. According to the new Constitution of 1956, the governmental system transformed into a presidential system instead of a parliamentary system. This system gives the president broad authority. Previous governmental decisions that were expected to establish a democratic parliamentary life were cancelled. All forces that opposed Abdul Nasser's government's vision were excluded. On July 26, 1956, the press was nationalised, private and voluntary organisations were closed, the constitution was abolished, and all feminist organisations were placed under the state's control. Within this context, Shafik's struggle turned into a struggle for democratic life in Egypt, not just a struggle for women's rights. Therefore, her struggle became directed at Abdul Nasser himself. In response, the local press ridiculed Shafik, and a violent campaign was launched against her and supporting the State. She even appeared in an article in the newspaper where her head was placed on the body of a belly dancer. In Egyptian cultural environment, the belly dancer (a woman who exposes her body in the public sphere and interact with unrelated men) represents debauchery and immorality. Even as a fashionable feminist, Shafik did not transgress the morality expected in her social environment. Therefore, presenting Shafik as a belly dancer was a shaming position and the worst tool to silence and assassinate her personality as a feminist in the social domain. In 1957, Shafik's battle ended when

she was put under house arrest, banned from publishing, and all her administrative institutions were closed by the state (Nelson 1996, p. 234–260). Shafik was defeated and forced by the secular nationalist State to return to the private sphere, which she struggled hard to get all Egyptian women out of it to demolish the gendered and class borders in the modern Egyptian public sphere.

It is worth mentioning that the nationalist socialist government was promoting the Western dress code as a symbole of the modern nation opposed to the assumed backward traditional national "conservative" dress (Abaza 2006, p. 114). Neverthe-less, the secular State manipulated Shafik's body in its fashionable modern look to stigmatise and silence her in light of the traditional Muslim imagination of the pub-lic/private space divide. The traditional patriarchal culture that divides between the assumed male public sphere and the feminine domestic sphere was vehemently still supported and manipulated by the secular State which did not hesitate to invoke reli-gious imagination and idioms to exclude rebellious feminists. Was it necessarily in contradiction with the 1956 Constitution? Article 6 states, "The state grantees its citizen's freedom, safety and equal opportunities" and Article 31 states, "Egyptians should be equal before the law in public rights and duties, with no discrimination on the basis of sex (ǧins), origin, language, religion or creed" ("The New Egyp-tian Consittuion 1956"). However, these Articles could be conditioned by Article 5 which states: "the family is the basis of society and is founded on religion, morality, and patriotism". This Article was added to the 1923 Constitution.

Women, new economic policies and the state's guarded public morality

President Anwar Sadat (1918–1981) adopted a different ideology to the Nasser-ist secular/nationalist ideology. Sadat's government used the slogan "Science and Faith" and gave a wide platform to the previous persecuted conservative forces dur-ing Abdul Nasser's era. Sadat needed the conservative forces to counter his Nasser-ist and socialist opposition (Abaza 2006, p. 57). Furthermore, Sadat´s government adopted new economic policies (the Open Door Economic Policy) that sought the liberalization the economy and re-establishing ties with the West. In this context, family and women became the focus of these economic reforms "especially through the United Nations women and development initiatives "(McLarney 2016, p. 119). The government did not oppose women's work and participation in the public sphere. However, it conditioned that women should not dress in a way that contra-dicted Islamic ethics and Sharia rules of modesty and that women's work should not affect their familial responsibilities as home carers (Hatem 2000, p. 667). This atti-tude towards women's visibility in the public sphere and their role in the domestic familial sphere was supported by new Articles in the 1971 Constitution. Article 5 of the 1956 constitution that stated "Family is the basis of society, founded on religion, morality and patriotism" was amended to affirm the particularity of Egyptian family values and the State's role in keeping these values. Article 9 of the 1971 Constitu-tion states, "The state is keen to preserve the original character of the Egyptian fam-ily and the values and traditions it embodies, emphasising and nurturing this charac-ter in the relations within the Egyptian society.

Also Article 11 states:

> The state shall guarantee the proper co-ordination between the duties of the woman towards the family and her work in the society, considering her equal with man in the fields of political, social, cultural and economic life without violation of the rules of Islamic jurisprudence (šarī̔ah) ("Constitution of the Arab Rebulblic of Egypt 1972")

These constitutional Articles consider a significant development in the relationship between the State, religion, gender equality and citizens' fundamental rights in the public sphere. According to these Articles, the focus turned from granting women's rights in the public sphere into emphasising the role of the State in protecting "the original character of the Egyptian family and the values and traditions" (Tolina 2018) even though the notion and concept of family with its characteristics that describe and organise the male–female relationship in the family have been dynamic throughout the last two centuries. It changed significantly according to the cultural, social, ideological, political context and their attitude towards the role of religion in Egyptian social life (Cuno 2015).

In addition, according to Ellen McLarney (2016), these clauses "set up a binary between equal works in (secular) society in contradistinction to (religious) hierarchies governing family life. The language of the clause connected equality to public rights, while suggesting a different set of gendered private duties". Moreover, they highlight "the tension between public rights and private duties: religion as potentially opposed to women's equal rights with men" (113).

Article 10 reintroduced a fundamental clause in the 1923 "liberal" Constitution but absent from the 1956 Constitution. This clause stresses women's belonging to the private sphere (harim): "the family as the locus of private property" (10). It "declared 'homes' and 'property' sacrosanct and inviolable (hurma), a word connoting not just sacredness, but with feminine overtones of the harim, women. These legal provisions cultivated the family as the locus of property, as the sphere proper of women's labor" (McLarney 2016, p. 119).

Women's rights were included in several articles related to the topic of motherhood and childhood and were limited to the rules of Sharia. The precise definition of Sharia itself is missing in these constitutional Articles. According to Serena Tolino (2018), this combination of the language of women's rights and religious laws "mirrors the spirit of the times and the mediation between secular and religious values" (Tolino 2018, p. 152).

The 1971 constitution that remained in force until the 2011 uprising with amendments in 1980, 2005, 2007 expressed another significant change towards the mediation between the secular state, politics, Sharia law and women's rights in the public sphere. In the 1980 amendments, references and language emphasised the role of Sharia Law, Islamic values, traditions, and authenticity in the public sphere, which did not exist in the 1956 Constitution nor the 1971 Constitution. Article 2 of the 1971 Constitution that stated, "Islam is the state religion, Arabic is its official language, and the principles of Islamic Sharia are a source of legislation" turned into Sharia became *the main* source of legislation. The Article "is closely related to the

role of the Personal Status Laws as a repository for religious law in the Egyptian state" (McLarney 2016, p. 118).

Feminist demands and women´s visibility in the public sphere after the socialist era

In 1971, the medical doctor, socialist feminist and writer Nawal Elsaadawi (1931–2021) published her book *Women and Sex*. As a medical doctor in a village, Elsaadawi came face to face with forms of violence against female bodies. In her book, Elsaadawi documented domestic violence and women's suffering inside marriage because of oppressive laws such as women's obedience (al-ta'a), meaning forcing women by the authority of police to return to their husband's houses when they disobey them and leave without husband's permission. Also, Elsaadawi criticized the practices of female genital mutilation and other practices connected to obsession with females' virginity. According to Elsaadawi, female genital mutilation is grounded in the idea that women are sexual in nature, and their sexuality has to be controlled to ensure their faithfulness to their husbands. The publication of Elsaadawi´s book presented her as the "pioneer" of the second wave of Egyptian feminism, which had robust ties with the current global feminism. In her book, she was able to "break a cultural taboo by introducing the issue of sexual oppression of women connected with everyday customs (Badran 2009, p. 38; Tolino 2018). However, the publication of her book resulted in Elsaadawi's dismissal from her job in the office of the Minister of Health and the magazine," Health", which she had founded and edited for more than three years, was closed down by the State. Elsaadawi was accused of showing "a signal disrespect for the moral values and customs of our society and had incited women to rebel against the divine laws of Islam" (Elsaadawi 2002, p. 112–113).

In stark contrast to the government's previous attitude towards the aforementioned brutal practices and oppressive laws, the government issued a decree criminalising circumcision, a practice that Elsaadawi lost her job because of speaking out against it in her book *Woman in Sex* and campaigning against it for years. In addition, women were allowed to travel without their husbands' permission, the marriage age was raised from 16 to 18. Many scholars argue that Sadat's administration accepted these women's laws to promote itself internationally since it was the *United Nations Decade for Women* year in 1975 (Al-Ali 2000, p. 71–74, McLarney 2016, p. 118). Conservative forces, however, rejected these laws and claimed that they were dictated by President Sadat's wife, Jehan. As a result, these laws were widely known as Jehan's law (Edge 1989, p. 683).

The assassination of President Sadat in 1981 at the hands of Islamists and the seizing of political office by President Hosni Mubarak marked a new reality for Egyptian women's rights. During this period, women's movements witnessed a shift becoming more and more under two forces: Western and Egyptian. With the government endeavouring to gain international support, the government ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1981. Through this ratification, the State obliged itself to stand for

gender equality and end discrimination against women. In addition, Egypt held "The International Conference on Population and Development" (ICPD) in Cairo in 1994, gaining an international celebration of Egyptian women's rights (Kamal 2016, p. 13). Furthermore, many civil feminist and human rights organisations were founded. Centres, such as "CEWLA" (Center of Egyptian Women's Legal Assistance) provided information and legal support for women. Nonetheless, the atmosphere of this relative freedom that resulted in the growing number of strong Non-governmental organizations (NGOs) was not without limitations. The State sought to restrict the influence and power of feminist NGOs by introducing laws that hindered them. Furthermore, to curb the power of secular activism (NGOs) and continue the State's manipulation of the feminist issue, the State established the *National Council for Women* in 2000. The (NCW) was widely covered nationally and locally, with the former first lady Suzann Mubarak appearing regularly to speak on behalf of Egyptian women. Therefore, (NCW) competed with the NGOs and claimed the right to represent all Egyptian women and their needs. (NCW) sought to represent itself as the Guardian of Egyptian modern moderate Islam and tradition vis- à -vis Islamist conservative forces (Kamal 2016, p. 13).

During this long period, the question concerning women's bodies and their presence in the public sphere was marginalised in the feminist discussions from the state and feminists. Women participated in the public sphere as a labour force either in the public service or for private companies, but their bodies were still under the control of the patriarchal State in the public sphere and their men inside their homes. These new pro-women laws and rights did not necessarily radically change female-male relationship in society or create a pro-women social behaviour outside the State sanctioned feminism (Al-Ali 2000; Badran 2009). However, what is worth mentioning in this context is the gradual change in ordinary women's clothing styles and appearance in the public sphere in line with the new socio-economic and political circumstances. With the dominance of conservative forces, the new economic policies and the massive emigration to rich neighboring Arab countries, Egyptian women came under the control of two currents, one religious and the other materialistic. The women's appearance in the public sphere is split into three categories: the religiously-oriented wealthy women indulged in products and lifestyles that reflect the Gulf culture. They wore expensive long loose robes called "abaya" and veils, and women belonging to the wealthy secularised elite continued to consume expensive Western products. In this category, non-veiled westernised women wear short skirts, short blouses, skinny jeans, and make-up. Those women have been living in affluent neighborhoods or working in multinational companies far from the crowded areas where most Egyptians live and where conservative culture is still widespread.

The third group included working-class women and university students, who imitated the Westernized elite's elegant dress, albeit of cheaper quality but wore the veil. In this context, the veil symbolises women's morality and modesty since it symbolically separates the public sphere (the field of politics and work, which is the male sphere) and the private sphere (the home where femininity and sexual relations are located). Their appearance reflects a cultural atmosphere that appreciates individuals based on their luxurious appearance and possessions, despite claiming to follow Islamic modesty (Abaza 2006; Haieny 2005). After the 2011 Uprising,

the spread of interactive social media platforms and the rejection of many feminists, politicians and celebrities of the veiling as a symbol of politically conservative religious groups encouraged many women to take off their headscarves and dress the same way as the few Westernized elite despite pressure from their conservative community and male-relatives. Others dressed in a sexy way while wearing the veil to pay lip service to tradition and the claimed "public morality".

Egyptian family values, gender equality and the 2011 revolution

The 2011 protests shook Egyptian society's political, social and cultural life. 20 to 50 percent of the protesters in Tahrir Square were women of various social, regional and ideological backgrounds (Hafez 2012, p. 38). Women's rights and gender were not the primary motivation for these protesters, as both men and women demonstrated against three decades of corruption, poverty, tyranny and oppression (Sholkamy 2012, p. 153). However, women endeavoured to utilise the revolutionary spirit to redefine the place of women in the public sphere. Many new women's rights groups and organisations were formed to demand change, deny women's oppression and abuse their bodies (Eltahawy 2015, p. 17–18). Moreover, many of these organisations and NGOs endeavoured to establish a more democratic and inclusive public sphere by granting constitutional rights for women. In November 2011, a feminist committee was established to revise constitutional texts from 1923 from a gendered perspective, and it presented its report to the newly stumbling Constituent Assembly in March 2012. Nonetheless, the first constitution after the revolution ignored the committee's work on women's demands. Secular forces and feminists heavily criticised this constitution and considered it a stark violation of human rights, particularly women's rights. The constitution was dominated by men who did not necessarily favour women's rights, while female representation was very low. Members discussed oppressive anti-female issues already outlawed by the law in the parliament, such as female genital mutilation and reducing child custody (Morsy 2014, p. 217).

Furthermore, because the first presidential and parliamentary elections gave Islamist parties dominance over secular political parties in parliamentary seats, this constitution was considered by the secular forces and feminists as an Islamist constitution that does not convey Egyptian values, particularly after the 2011 revolution (Eltahawy 2015; McLarney 2016) However, according to Ellen McLarney in her Article "Women's Rights and Equality: Egyptian Constitutional Law", this constitution did not depart from the language of women's rights in Islam and gender equality adopted in previous "secular" constitutions. Moreover, the 2012 Constitution established in its preamble "equality and equal opportunities for all its citizens, males and females, without discrimination, preference or favouritism, in rights or duties". McLarney (2016) argues that the assumed 2012 Islamist constitution paved the way for the claimed revolutionary Articles against discrimination against women in the 2014 Constitution (MCLarney 2016, p. 110–111).

The 2014 constitution affirmed its compliance with human rights and eliminated all forms of discrimination against women in the domestic and public sphere.

Article 9 states: [t]he state shall ensure equal opportunities for all citizens without discrimination". In addition, Article 93 affirms that "[t] he State shall be bound by the international human rights agreements, covenants and conventions ratified by Egypt". Also, Article 11 stressed the State´s responsibility to "take the necessary measures to ensure the appropriate representation of women in the houses of representatives, as specified by law (The Egyptian Constitution 2014). Indeed, after 2013, Egyptian females were appointed for the first time as a governor, a national security adviser to the Republic president, a deputy to the Central Bank governor, and a judge to chair a court. Moreover, the number of female ministers even reached eight women in the 2018 cabinet, women constitute 15 per cent of the parliament members, and the number of female voters exceeds males (*Egypt Today* 2018) Nonetheless, the *World Economic Forum 2020 index* shows that although Egyptian women's economic participation in the labour markets is improving, it is still relatively low. According to Gender Gap Report, Egypt ranked 134 out of 153 countries in 2020. Only 24.7% of women are in the labour market (*World Economic Forum* 2020, p. 149–150). Nazeer (2017) argues that many obstacles hinder achieving gender equality, such as widespread poverty, women's illiteracy, and lack of services, particularly in rural areas. Nevertheless, the prevailing patriarchal culture still plays a vital role in the position of women in the public sphere. The main channels of influence in society, namely the state's media, educational curricula, and mosques, discourage gender equality. These channels support a traditional role of women in the public imagination through forming and nurturing the consciousness that reads woman as obedient mother, wife, nurse, farmer, or martyr for the homeland's sake in line with the concept of public morality and traditional family values. Thus, women may participate in public life, but this does not give them independence from male domination or imply their equality with men (Nazeer 2017, p. 106).

Within this context, one can read the recent heated debates incited by what has been known in the media as "TikTok girls". In April 2020, the police launched a crackdown on many female social media influencers on the accusation of posting what the court called "indecent" videos of themselves in which women appear in "indecent clothes" or use "indecent sexual language" on the Chinese application TikTok. The court accused those girls of encouraging behaviours that violate of Egyptian "authentic" family values. The most famous girls among those social media influencers are Haneen Hossam and Mawadda Al-Adham. Al- Adham is a 22 years old university student. She got the title of Egypt's Miss Teenage in 2015. At the age of 19, Al-Adham left her family home to live independently. This ambitious girl wanted to earn money and become famous by modelling brands on social media platforms. Al- Adham was followed by more than three million followers on Tik Tik and 1.6 million on Instagram. Al-Adham's daring, revealing clothing style subjected her to fierce public criticism, and the prosecutors accused her of wearing "indecent" clothes and acting in a way that violates Egyptian family values. Hossam is a 21 years old university student. She was followed by 1.2 million on social media. She appears wearing a headscarf, fashionable tight-fitting clothes, and heavy makeup in her videos. In these short videos, she lipsynced and moved her hands with the music. Advertising the app, Hossam advised other Egyptian girls to join her and post their videos on TikTok to earn money online. Hossam was arrested for

violating family principles and Egyptian society values and inciting immorality (*Al Monitor* 2021).

Even if those social media influencers are acting in compliance with their constitutional rights to work and earn money and right to freedom of expression (Constitution 2019 modified Articles 12, 51, 65), they are punished under the Article of the Penal Code (Article 178 penalties) that criminalise publishing pictures or videos that consider "against public morals," and incites indecency in the society. In addition, the 2018 Cybercrime Law under Article 25 is invoked in the trial of those girls. The law prohibits the use of technology to "infringe on any family principles or values in Egyptian society (*Freedom on the Net 2021-Egypt*). The State uses its sovereign power to guard public morals in the society as stated in Article 10 states that states, "the State protects [the family's] cohesion and stability, and the consolidation of its values." ("Dustur Gumhuriyyah Misr al-ʿArabiyyah al-Muʿaddal (2014)" Nonetheless, in response to this crackdown, Masaar "a group of lawyers and technologists interested in enhancing and promoting digital rights and related freedoms in Egypt", filed a notice to the Cairo Misdemeanors Economic Court of Appeal arguing that Article 25 of the cybercrime law was unconstitutional (*Freedom on the Net 2021 – Egypt*).

On June 21, 2021, Haneen Hossam, appeared in a video without wearing a headscarf and makeup, crying but defiant. She recounts what happened to her during her trials and how she challenged the judges for not listening to her and that she had not done anything wrong. Houssam exclaims that if the law condemns her behaviour, why not charge other upper-class and female celebrities whose behaviour and looks are even more sexually attractive? (Hossam 2021).

Furthermore, many feminists and human rights activists criticise these sentences and argue that they restrict freedom of speech and attack women based on their gender. A petition has been launched on an online platform by a group of Egyptian feminists. The petition called on TikTok to stop targeting women and inciting hatred and discrimination against women. They argued that targeting those social media influencers emphasized discrimination against women based on their social class and gender. Those feminists claim that these charges are mainly against females from lower social classes who were brought to court by other male social media influencers (*Chang. Org* 2020). In addition, the founder and executive director of the *Egyptian Commission for Rights and Freedoms*, Mohamed Lotfy criticized these arresting those females stating, "Like many social media influencers around the globe, she used TikTok to speak her mind, express herself and encourage other girls to make money from the popular social platform…Prosecutors have taken it upon themselves to be the guardians of morality and family values, but no one has ever defined these values (*Al Monitor* 2021).

The Prosecutor's interference and these hefty sentences warn all other females against daring to explicitly challenge social norms and traditional gender spaces under the pretext of protecting "authentic family values". Indeed, it was not precisely about Tiktokers appearing on social media in revealing clothes. Those females were gaining massive popularity among ordinary girls, even among headscarf wearers, for the first time in modern Egypt. Encouraged by the revolutionary feminist spirit after 2011, ordinary women became critical and vocal of class and gender discrimination in their society. They used mainly social media, which provided an

unprecedented platform for introducing diverse female voices from diverse socio-economic, religious and geographical backgrounds. These feminist voices counter and deconstruct the hegemonic male elite's patriarchal discourse that manipulates traditional media such as television, school, and mosques. Social media platforms consider a significant challenge facing the Egyptian society and the current government. Social media, particularly influencers, are being seen and used as a medium of societal change (Ezzat 2020). The 2011 revolution started with a call on social media. Even though the government controls social media platforms and content, the latest figures for Egyptian social media users reached 51.5 million in June 2022. This number is three times higher than eight years ago (Galal 2022). The largest age group is from 18 to 24 years old, followed by users between 25 and 34 years old (Ezzat 2020). These platforms provide a window not only for discovering different cultural views and norms inside their class society but also for exchanging diverse ideas, aspirations and identities beyond the prevailing traditional views and social norms. In this context, it is critical to highlight that it is challenging for any local community to follow global trends, mainly when they could affect the local community's cultural identity and /or threan its social cohesion. Nontheles, analysing these global trends and their contexts is essetial to understand their disadvantges or potential advantages for advancing the community.

However, the legal response to those social media female influencers and their demands as active participants in the modern constitutional public sphere still reveals the ambivalent attitude of the claimed pro- women's rights "secular" State.

The case of Tiktok girls takes us back to the tension of applying constitutional secularism in Muslim societies with and the role of State in fashioning private religious sentiments in the public sphere. In this context, Ali Agrama in his article "Secularism, Sovereignty, and Indeterminacy: Is Egypt a Secular or a Religious State?" (2010) maintains that the distinction between the private and public sphere in Egyptian society is defined by the State and is rooted in religious practices. However, he pays the theorists' attention that this interference is also grounded in a modern secular legal concept called "public order". Agrama defines the concept of the "public order" as "the fundamental legal rules and values of a particular society" (Agrama 2010, p. 504). These rules and values reflect and express the majority's feelings, sentiments, and societal customs. In this context, the secular State has the authority to intervene in individuals' personal choices and behavior that do not comply with the State's vision of the concept of" public morality" and religious values. Doing so, the State uses the sovereignty of secular law to fashion citizens' private sensibilities under the rubric of protecting the claimed authentic family values that are rooted in religion, Sharia laws and public morality. Overall, appropriating the "religious" and "secular" discourses in the public sphere (institutional public sphere and civil society) by the secular constitutional State calls the borders between the private and public sphere into question.

Conclusion

Family and gender relations in the modern Egyptian public sphere have been under constant restructuring through reforming the Personal Status Law and modifying the constitutional texts. These reforms and modifications are conducted by the State because of international pressure for women's rights, feminist pressure from within the society, and the changing socio-economic and political contexts throughout the last two centuries. This restructuring and redefinition of laws concerning women´s position in public sphere implies that relationship between gender and religious laws remains under the State's sovereign secular authority and the relationship between the State, religion and politics. This relationship determines the role of religion in regulating male–female relationships and spaces despite the claim of the divinity of these regulations. Nonetheless, this study also emphasizes the role of the current socio-economic circumstances and the contradictory discourse on women's right in modern Egypt, in particular after the 2011 uprising in affecting individuals' sentiments and attitudes towards the traditional gendered spaces. These attitudes and behavior could challenge the State hegemonic vision of traditional gendered spaces grounded in a prevailing discourse on the concept of an "authentic Egyptian identity" and "public morality" in the public sphere. Ordinary women from modest social classes and educational backgrounds dare to protest against discrimination against them based on class and gender. They are questioning the concept of claimed authentic "Egyptian family values" and "public morality", asking for a clear definition of these concepts. This feminist attitude is gaining popularity among ordinary girls without claiming to belong to a particular feminist organization or ideology. Those educated ordinary females do not reject their belief in Islam, but their current identity is more grounded in an economic context than religion. They seek to achieve a democratic, inclusive political and social atmosphere that can cope with the current socio-economic and political circumstances. This feminist awareness calls for new imagery and laws that foster and acknowledge plurality and gender equality in the public sphere to ensure all citizen have their fundamental rights.

The vital question in this context is: can we consider this ordinary females' challenging attitude a form of secularisation from below?

Declarations

Conflict of interest The author declare that he has no conflict of interest.

Consent to participate This article does not contain any studies with human participants performed by any of the authors'.

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