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Analytical Paper: the Right of Women to Public Political Space

Issues of political participation of women are among the most controversial issues in countries like Egypt which is witnessing for many years now considerable political mobility in which women have been participating very actively. Such political mobility was renewed and manifested itself in a new wave of the Egyptian revolution on the 30th of June 2013, leading to the removal of Mohammed Morsi from power and the assignment of the president of the Supreme Constitutional Court as an interim president. The position of women in the new Road Map was brought up one more time. Questions were raised regarding the participation of women in the public space through active political participation that is governed by sophisticated socio-economic structures. Problems of political participation of women are manifested in relation to the private and public spaces in both of which women take very active part. However, women's role is sometimes emphasized only when women take part as voters in particular elections and they are ignored as political actors and cadres in different social and political settings, or vice versa. Thus, it is necessary to pay attention to the social frameworks governing such participation, differences between urban and rural environment in the rate and style of such participation, in addition to the policies, laws and frameworks set by the state to govern this participation which are not merely confined to electoral laws.

Thus, this paper aims at shedding more light on policies and laws adopted by different institutions of the state, and focusing on the extent to which these policies affect the abilities of women to take part in the public space especially that mass demonstrations of the 30th of June witnessed huge female participation. It has to be asked to what extent such participation would be reflected in different forms of political participation especially that women paid double price for such participation, as they were exposed to brutal mass sexual assaults and rapes. The paper also presents the framework in which such participation takes place which is characterized by violence and lack of safety and security in public spaces, which leads to variations in the ability of female citizens to exercise their basic rights including the right to political participation. The analytical framework also includes the environment in which policies and laws of the regime are practiced, in addition to the political discourse representing these policies and how it affects the freedom of movement and participation of women in the different areas of the public space. In this context, light should be shed on an aspect that is usually discussed separately from the presence of women in the public space, i.e. the presence of women in the private space legally governed by Family law. Such law has been the subject of long controversy, however discussions of it have always been cautious because of the religious aspects of the regulation of marital and family relationships. The family, according to the currently suspended constitution promulgated following the 25th of January revolution, is the basic nucleus in the organization and structuring of society. Based on this

situation, the paper discusses the status of women in public and private spaces in order to clarify how the mechanisms of the legislative system, including , work are permeated with endemic cultural and political judgments. An in-depth reading of the interaction of the two spaces shows that there is a general state of restriction for women that gets manifested clearly when women try to engage in political fields equally with men. Family law was tackled for years in a way that ignores changing social and economic contexts. This law directly affected the available spaces for women to engage in experiences that go beyond the family community, and engage in social and political life they live in. Thus, boundaries between public and private life vanishes and the two spaces become part of one political and cultural system that cannot be understood without reading two spaces in relation to each other and their impact on women.

The paper discussed tackles various dimensions. It shows how the Egyptian state figured, for years, the kind of participation women should have in Egyptian politics. This is evident in the few number of women present in positions of decision making in state apparatuses and in the ways the regime deals with the different issues of women, which is considered one of the main factors hindering the presence and advancement of women in political arenas. The paper has three dimensions: the Egyptian Constitution (which has been suspended) which was written and passed in a context in which one intellectual current; legislative elections law which does not include any positive points for female candidates and even hinders the participation of Egyptian women in legislative elections; and family law which obstructs the development of an environment constructive to women who can't enjoy their basic personal rights and thus hinders their abilities to take part in the public space, especially the political one. The paper also tackles social and cultural obstacles that face women willing to politically participate in public life, which should be read in conjunction with the laws previously mentioned as these laws were not written and adopted separately from cultural conceptions deeply rooted in the minds of legislators. In order to present clear analysis, the paper will provide definitions for the main terms used like public space, private space, and political participation, along with the common analytical elements in these concepts.

Definitions

Public Space and Private Space

When participation of women in communities is discussed, the terms "public space" and "private space" are usually used. This paper tries to present a general framework for the definition of both in order to be able to look into the policies and frameworks adopted by the state to govern the two spaces and how they directly affect women.

It could be said that the idea of the public space was born in the heart of political modernism as the concept of the public space is considered one of the branches of modern thought which headed to the establishment of democratic societies based on circulation of power, freedom of

thought and expression and freedom to organize. We can understand the public space as the field in which participation is activated. It is the space in which individuals and groups gather to discuss things that matter to them, and thus could be considered the main space in which public opinion, made of various opinions and factions, is formed.¹ In other words, the public space is supposed to be a free space that is not confined to one faction. It should be a place for human gatherings and collective participation in which political and social rights and duties of citizens are equal. Nevertheless, the dynamics of public space may not be understood except through the understanding of two other spaces which are the space of the public authority and the private space. Actions in the public space are controlled by the general laws of the state which are supposed to work for guaranteeing the security and safety of individuals participating therein without interference in their private affairs. On the other hand, the public space is based on individuals and groups the main part of their intellectual patterns and value systems is formed in a separate space which is the private space. In light of the concepts in use, the private space is not outside the reach of the state or outside the scope of its sight. It is actually governed by strict laws whose provisions are taken from principles of Islamic Sharia. This set of legislations involves a myriad of religious opinions which belong to different Islamic schools. Definitely, the private space is precisely represented in the institution of family and marital relations controlled by family laws about which there was a year-long conflict among legislators, human rights activists, feminists and female activists for it to be changed and made more equitable for Egyptian women and more empowering for them as citizens who enjoy all their personal and marital rights, in addition to pushing for the adoption of laws that protect equality and human rights. As long as the private space is the primary space in which intellectual patterns and social upbringing of individuals are formed. It is the space that puts a framework for their interactions and discourse in the public space. Moreover, the private space is often the primary space from which women derive moral and family support which is an important factor in defining their chances of working and becoming active outside the scope of family and household, and specifically their chances of engaging in political activism. In this context, the private space becomes one of the most important dimensions in the understanding of experiences and obstacles for political activism for women in Egypt. Thus, there is evident overlap between the public and private space on one hand and the space of public authority on the other hand. We find that the three spaces are in continuous interaction with one another. The status of women in the public space may not be analyzed separately from an understanding of the characteristics of this dual relationship.

The Egyptian case, like other authoritarian regimes, dictates a more sophisticated view of the theory of public space as one of the main characteristics of state apparatuses is that they control the spaces in which the citizens move and interact whether they are public or private. As evident in

¹ Al-Sayed Yassin, Fall of the Public Space and Rise of the Informational Space (*Inheyar Al-Magal Al-'aam and So'ood Al-Fadaa Al-Ma'lomatie*), 1 April 2009, Al-Ahram Digital (*Al-Ahram Al-Raqami*), <http://digital.ahram.org.eg/articles.aspx?Serial=96344&eid=448>

the case of Egyptian politics, the public space is getting besieged and restricted. The Islamism groups elected did not have the political willingness to create wider, more open, and more equitable dialogues and spaces in order to ascertain the right of different political factions to present and discuss their ideas and mechanisms of work. Thus, the public space became monopolized by one faction and turned into a stage for authoritarian conflicts between different groups of people with different attitudes instead of being a free space in which discussions, intellectual activities and different ideologies are formed. Similarly to the restriction of the public space, the laws governing the private space about which feminists and women's groups and organizations fought long battles through which they managed to change some laws (they will be referred to in the paper) have been the subject of clear attack with the purpose of passing discourses which increase the control of women's chances in education, work and living in a family environment in husbands and wives are equal. Achieving such equality makes women capable of finding greater freedom to engage in public activism as citizens who have political rights and responsibilities in their communities. One of the most important approaches to understand this process of interaction may be via understanding the relation of women to the public space. Studying such relation reveals the interactive relationships between cultural patterns, political alignments, and legal disagreements as part of the social and political reality and mobility in which women of this country live.

Political Participation

Political participation may be defined as the activity that male and female citizens undertake in order to affect the process of decision making whether this activity is individual or collective, organized or spontaneous. The concept involves the ability of citizens to publicly express their opinions and stances and to affect the process of decision making via competing in elections as candidates, forming different kinds of unions and movements, or election of parties and individuals to legislative councils, municipalities, unions and other representative bodies.² Moreover, political participation is elaborated with regard to other activities. Sometimes, choices of individuals in their public and private lives are considered an expression of a political or ideological stance. Likewise, the ability to make such an expression should also be considered one of the aspects of political participation in the public space which is formed according to a group of social, economic, and political factors. These factors help us understand and analyze one of the most important criteria of political life, which is citizenship that is based on the idea of equality between people of the same country regardless of age, sex, race, or any other divisions. However, because of the different social, economic, and political opportunities, we find that citizens are not equal. Some categories lack economic resources, knowledge and social assets which help them exercise

² Sara Al-Leithy, *Mafhoum Al-Mosharka Al-Seyaseya* (The Concept of Political Participation), 25 October 2010, *Modawanat Elaph*, <http://www.elaphblog.com/posts.aspx?u=3801&A=67118>

their rights as equal citizens who make personal and intellectual choices without fear. An individual may not take part in political life unless s/he has means to protect his/her life. Mutual relationships between the individual and the state, and among individuals in the private and public spaces are considered one of the main criteria for analyzing levels of citizenship which are defined equally by the constitution, laws, and social customs.³ Based on this definition, we find that women in Egypt are clearly beyond men when it comes to political rights related to the public space and personal rights in the private space. It seems that legal structures for the rights of citizenships were based on one gender and didn't include the rights that are relevant to the actual realities of women's lives.⁴ These structures don't include equality of the potentials available among men and women but they reflect a sexual, political and social system that views women as existing on the margin of public life. There is no evidence that there is a willingness to change this view.⁵ Women's participation in politics became one of the obvious features of the political map following the 25th of January Revolution. Participation took many forms including taking part in demonstrations and elections whether as candidates or voters, as well as in developmental and NGO work, political parties, social movements and pressure groups. However, there was a clear difference in the available room for free movement of women and men when the same activities are undertaken. In order to understand the realities of Egyptian women's lives regarding participation in the public space and their abilities to exercise their full rights as citizens, we have to have a slow look at the situation of women in a number of basic dimensions.

The Status of Women in the Last Constitution of Egypt (Suspended) and Electoral Law

The status of women in the Constitution of Egypt following the 25th of January revolution needs a long discussion. However, for the purposes of the current context we will focus on two aspects: the status of women in the Constituent Assembly and the impact of the Constitution on the rights and liberties of Egyptians in the public space. The Assembly started its work on the 30th of November 2012. That Constitution was written in fervent political climate preceded by the Constitutional Proclamation made by President Morsi on the 22nd of November 2012 to grant himself unlimited authority. This added to the hostile atmosphere in which the process of writing the constitution took place. The Constitution was written without the participation of different political and ideological currents, and this was reflected in the obvious lack of Christians, Nubians, Bedouins, and various racial and religious groups, as well as obvious lack of women who don't belong to the ruling Islamist party, and the few number of women represented therein till the end of its working

³ Ibid.

⁴ Botman, Selma, *Engendering Citizenship in Egypt*, New York: Columbia, 1999.

⁵ Ibid.

period. Women were not more than 6% in the Constituent Assembly.⁶ Thus, visions and ideas of Egyptian women were missing from the new Constitution of Egypt following the revolution, in addition to missing the political, legal and societal experiences gained by women who fought long experiences in political activism and who are aware of the structural problems suffered by women in Egypt. Thus, the proportional representation of different ideological currents was frustrating as female members of Freedom and Justice Party were two thirds of the total number of women in the Assembly. It should be noticed that failure to guarantee fair representation for the different currents including female figures who should have taken part in writing the constitution of Egypt is but an obvious sign of the existence of a discriminatory culture regarding the participation of women on equal foot with men. This is evident in the criteria for selection of the members of the Assembly or the purposeful reduction of the number of women therein. As a result, the Constitution of Egypt following the Revolution was "for men only".⁷ The Constitutional provision of the article 33 of the Human Rights chapter which stipulated that "Citizens are equal before the law. They are equal in public rights and liberties without discrimination".⁸ This provision is not enough. It portrays a fake image of reality. One of the signs of inequality between sexes is that the articles related to women in the Rights and Liberties Chapter were reduced from four in the 1971 Constitution to one. Mentioning women in the Constitution was regarding household and family. Women's rights in the public life were not mentioned in relation to her role in the household. This is the role to which members of the Constitutional Assembly gave the utmost importance. This is evident in article no. 10 which stipulated that the State should guarantee services of motherhood and childhood for free, as well as accommodating the duties of woman towards her family and her public work." Moreover, the new Constitution mentioned women as divorced, widows, and women with dependents,⁹ as if Egyptian women are always in need of care ignoring that they are equal partners to men. Women's issues were restricted to traditional moral frameworks according to which patriarchal societies agreed to define women's roles.¹⁰ Thus, there is no mention of the rights of women in the different political fields. The Constitution didn't include an electoral system that allows for greater participation of women. It also created restrictive frameworks for the right to organize which negatively affects the ability of women to organize in trade unions, professional syndicates, or other organizations, and consequently their ability to exert pressures for better working conditions. Last but not least, the Constitution of Egypt following the revolution focused on women and their position regarding forced abuse, exploitation and sex trade, as in article 73 of the Rights and Liberties Chapter which stipulated that all forms of coercion and forced exploitation

⁶ Nehad Abou El-Komsan, *Dostour Mesr Al-Gadeid Lel Regal Faqat* (The New Constitution of Egypt is for Men Only), 22 September 2012, Al-Watan Newspaper, <http://www.elwatannews.com/news/details/51842>

⁷ Ibid.

⁸ Egyptian Constitution of 2012 – Chapter on Rights and Liberties – article 33.

⁹ Position Paper from Nazra for Feminist Studies regarding the final draft of the Constitution, 4 December 2012, <http://nazra.org/node/170>

¹⁰ Ibid.

of humans and sex trade are prohibited and punishable by law. It is highly problematic that this article is included in the Chapter on Rights and Liberties while the Chapter itself does not include any article concerning the rights and freedoms of women. This confirms that this instrument does not adopt equality between men and women and its philosophy is based on the moral role of women and completely ignores their role as citizens who have to the right to take part in public and private life away from moral judgments and sexual and family roles that members of the Constituent Assembly viewed as sufficient to guarantee rights of women in this society.

Extending the same monopolistic intellectual environment, the law of legislative elections was elaborated with a minimal participation of women in its writing that does not exceed 3%.¹¹ These women did not even include female specialists in political and economic fields who have extensive expertise in the field of legislation. The number and composition of these women explains why the electoral law ignored the rights of women in representation and political work, and the constraints that face candidates when they enter electoral battles and engage in public work. In light of this political composition of legislators, article three of the Law concerning the House of Representatives was written. This article stipulated that each list includes at least one female candidate without determining her position in the list. This article is supposed to be positive discrimination for women but it is merely a symbolic gesture that failed to create a mechanism that is to help women compete on equal foot with men. Passing this article, legislators were neglecting all proposals of legislations that presented other positive measures like placing female candidates in the higher part of the list to give them an equal opportunity with men and guarantee a political representation similar to their ratio in society.¹² Thus, attention should be paid to the problems surrounding the idea of positive discrimination in general taking into consideration that the usefulness of such mechanism depends on the accommodation of means of positive discrimination to social and political realities. For example, we find that the way with which women's quota were applied in the past failed to achieve real female presence inside the Parliament so that different categories of people are represented in a realistic way as the only beneficiary of that quota was women from the dissolved National Democratic Party. Moreover, the purpose of the quota applied in the 2010 Parliament was not achieved because women-only seats were added to the original number of parliamentary seats.¹³ Abolition of the women's quota in the first parliament following the revolution was justified by the argument that all citizens are equal in the political life and no one is entitled for a better treatment pursuant to the law. Nevertheless, we found the quota or the seats preserved for workers and farmers included in the Constitution, albeit among the transitional provisions meaning that they will be applied for just one parliamentary

¹¹ Report: 2012 'Aam Al-Khoroug Al-Kabeir of Egyptian Women (2012... The Year of Great Emergence of Egyptian Women), Egyptian Center for Women's Rights, 8 January 2013, <http://ecwronline.org/Arabic/the-status-of-egyptian-women>

¹² Commentary on the laws of People's Assembly and Exercise of Political Rights - Nazra for Feminist Studies and National Association for Human Rights and Law – 7 March 2013, <http://nazra.org/node/204>

¹³ Quota System: Models and Applications around the World – Nazra for Feminist Studies – 28 April 2013 – <http://nazra.org/node/218>

term. On the other hand, the case of women was completely ignored which violated the principle of equality of citizens before the law. Moreover, women nominated on the so-called individual or candidate-centered seats (one third of the Parliament) faced great hardships competing and winning in elections, especially those who lacked financial and popular support or enough experience in parliamentary elections. The overall impact of these factor is that the number of female members in the parliament was 11 in the lower house and eight in the higher house (out of 270 members). Thus, we find that the Legislative Elections Law in general failed to create the necessary conditions for women to compete in elections especially that most of them were competing for the first time. Lack of equal participation of women was not merely a problem in legislative institutions. It was evidently reflected in the daily conditions of women as we find that their status in the labor market is clearly worse than male workers especially when it comes to wages. Moreover, there is no cooperation on the part of employers of female workers with children in spite of the existence of a legislation that obliges employers to establish day care centers at the work place. Over and above, sexual harassment incidences take place at different work places. Because of this and other factors including lack of sufficient representation of women in decision making position of trade unions and professional syndicates, we find that the main job market in Egypt has one of the lowest rates of female participation in the world (23% maximum).¹⁴ In this context, the status of women in the informal job market should also be referred to. The Labor Law ignores this job market as those who are informally employed don't enjoy social or economic security because they don't have employment contract or health and social insurance that guarantee decent livelihood for them and their families. Women working in the informal job market don't have any legal protection. Studies¹⁵ indicate that the fact that women get wages that are lower than the ones received by men in the informal job market is not merely because of their employment in the lowest jobs. It also reflects gender-based discrimination that laws don't try to fight at all.¹⁶ This is significant of the importance of providing and legalizing the right to organize, issuing laws guaranteeing union freedoms which could provide opportunities for the protection of female workers in the formal and informal sectors. The Muslim Brotherhood regime opposed the union freedoms law in order to extend their control to Egyptian workers. It is necessary to have greater representation of women in legislative institutions because the laws they produce greatly affect the lives of female citizens, as well as increasing their active presence in trade unions and municipalities. Thus, we find that the Electoral Law and laws related to practicing public freedoms reduces women's chances to take part in political life, and excludes them from the legislative

¹⁴ Johansson, Gladis and Wafaa Osama, "Egyptian Women have a long Battle Ahead of Them", The Danish Trade Union Council for International Development Cooperation (8 March 2013). Available through <http://www.ulandssekretariatet.dk/content/egyptians-kvinder-har-en-land-kamp-foran-sig>

¹⁵ Amira Al-Haddad, Weak Participation of Women in the Official Job Market and Wage Discrimination against them, Paper published as part of the Research Program on Women and Organized Work of the Social Research Center in the American University in Cairo, 2009.

¹⁶ Research Program on Women and Organized Work – Policy Papers – November 2009 – Page 33.

system which reproduces laws that lack the vision of Egyptian women. This leads to reinforcement of deformed social conceptions about the role of women and their right to participate in the different public spaces. These conceptions take many forms and sometimes lead to violent reaction against women taking part in public political activities like demonstrations and sit-ins, or even enacting laws that are harmful to women and incapable of understanding their social and security realities. One of the laws which badly affects the presence of women in the public space was the law entitling certain categories of public employees the judicial entitlement to seize and stop in certain cases which was promulgated by former Public Prosecutor, Justice Talaat Abdullah.

Thus, the new phase we live in require effective steps in order to insure the mainstreaming of gender in the different structures and policies of the state starting from a Constitution that enshrines equality between men and women, and working in parallel on measures to guarantee the presence of a representation of women and their issues in the different ministries of government especially in positions of decision making and policy discussion, and in legislative institutions which work on the elaboration of electoral laws and the law on the exercise of political life which highly affect spaces available to women on equal foot with men in political life. We should also create greater representation of Egyptian women from different backgrounds within the Assembly that is supposed to amend the Constitution so that it comes out with a Constitution that is gender-sensitive and engaging with the actual realities of women as equal citizens and not just as mothers or sex-workers or people with dependents. We also have to work on creating mechanisms for the integration of women in public political life so that the political space is sensitive to the realities of women's lives, and policies adopted are consistent with the requirements of this reality. The transitional phase also poses questions regarding women's security situation and steps taken by the government to activate anti-violence units inside police stations, and how the impact of security on the lives of particular groups of people is taken into consideration when policies and decisions of ministries are taken, especially that the week of the 30th of June Demonstration witnessed cases of group sexual assaults with different degrees. At least 186 cases were reported in the in and around Tahrir Square and they were completely neglected by the authorities and by the forces calling people to rally in squares.

Status of Women in Family Law

Family Law is one of the most important legislations which has to be discussed in this context. It is the law that directly affects the lives of women, men and children, i.e. the law with which the state addresses the field of the family and through which it presents its discourse about the values of the society. The centrality of the state's vision of the role of the family is expressed by article 10 which stipulates that the family is the foundation of the society based on religious, morals and patriotism. Woman's position in the public space is connected to her position in the private space because the latter is highly influential when it comes to the formation of the kind of life and

experiences which women go through in their daily life, education, and marital rights available to them, which establishes a particular framework for their ambitions in roles that go beyond their role as mothers and wives. The status of women in family law should be tackled because it provides an analytical tool to understand the private spaces that the state seeks to organize via cultural, social and political values and patterns.

Although most Egyptian laws are supposed to have gone through a gradual process of separation from religious courts by the end of the 19th Century, judgments taken by Egyptian courts are always engaging with and reproducing the conservative social reality in which socially conservative religious customs and traditions are a basic pillar. Thus, conservative social culture coated by religious arguments becomes part of the social fabric in which these laws are written and from which many of its provisions are taken. At the same time, we find that Family Law was less separated from religious arguments than other branches of the Law. This law should be read through social and political developments which affected the means and criteria of the usage of the four schools of jurisprudence. The references of the Family Law differ according to the readings of the different schools in addition to prevailing social patterns and customs which are formed as a result of political realities. Thus, Family Law should not be read as a bunch of fixed religious legislations but rather as a result of interactions of social and religious patterns that were affected by the conflicts of different forces that adopt different ideologies and produce different forms of the law in different Islamic countries. Two issues have to be clarified in this regard: first, Family Law is governed by religious principles, and societal principles as well, that affect it and get reproduced by it as well; Second, Family Law, similarly to other laws, has political dimensions that differ according to the nature of the ruling regime which affects the private space which regulates the private affairs of citizens. The Egyptian state in its different ages was always cautious when it intervenes to change the law, especially when these interventions widens the spaces for women's rights in the affairs of marriage, divorce, inheritance and custody. This caution may be due to various reasons including the conservative social and political nature of rulers and larger sectors of citizens, the attempts to create balance between conservative Islamic forces on one hand and civil forces which call for legal changes guaranteeing greater rights and liberties for women on the other hand. Thus, discrimination continues against many Egyptian girls, wives and mothers, and they continue to suffer various forms of violence and oppression in private spaces which should be regarded as one of the central impediments in front of further participation of women in public work and specifically in politics.

In spite of such restrictions, some women's organizations managed to pass various important changes to the law. Among the most important changes is *Khulu'* which was passed in 2000 after long battles fought by defenders of women' rights including political activists, law scholars,

specialists in Shari'a and Islamic Law against state apparatuses and religious groups.¹⁷ These amendments also affected custody law no. 25 for 1929 so that divorced women have the right to raise her kids until the age of 15 instead of ten for boys and 12 for girls. Finally, marriage age was raised from 16 to 18 in order to give girls greater chances to get educated and acquire life experiences away from the burdens and challenges of married life. In light of these changes, it is necessary to bridge the gap between rights stipulated in Family Law and the changing social and cultural reality which necessitates the adoption of new laws. Moreover, Family Laws, even new provisions therein, still needs a comprehensive vision resulting from societal dialogue with groups that directly deal with the law and get affected by it so that actual realities of family and marital life. We should also work on decreasing periods of litigation which are lengthened because of husbands' evasion from execution of court decisions, especially in light of the culture of corruption and patriarchy prevailing in state institutions. For example, as a result of lack of deterrent punishments for husbands who don't pay alimonies for their wives (as if they prefer being imprisoned than paying) number of imprisonment decisions increased from 3849 cases in 2006 in Cairo to 5378 in 2007. In the countryside, the same scenario takes place as imprisonment cases in rural areas increased from 717 in 2006 to 1134 in 2007.¹⁸ Financial matters are central in creating opportunities for wives and mothers to seek their ambitions and goals outside the scope of the family. It is important to adopt alternative laws that allow for the equitable division of marital wealth especially at cases of divorce, arbitrary divorce or divorce in-absentia in order to get closer to a more equitable conception and to allow women greater chances of achieving their ambitions outside domestic relationships.¹⁹

But conflicts regarding Family Law are not over. We used to find tendencies from Islamic Forces towards creating more restrictive tools of controlling women's movement and choices. The primary danger in the previous Islamic Regime is that it could legalize its vision regarding Family Law because of its control of legislative councils, and that it disregards all the accomplishments achieved regarding the rights of Egyptian women which means the deterioration of women's chances in political participation. Thus, we find that connecting Woman's personal affairs in the private space to her ability to seek her ambitions and visions and prove herself in the public space is among the most important steps that have to be taken in order to make a careful study of regime policies which prohibit women from reaching decision making positions through political participation in the different public fields.

Family Law is based on the theory of absolute guardianship (*Qawama*) of men over women without paying attention to the broader or wider sense of this concept. Thus, one of the basic

¹⁷ El Satta, Hoda. "Women's Rights Activism in Post-Jan25 Egypt: Combating the Shadow of the First Lady Syndrome in the Arab World." *Middle East Law and Governance Interdisciplinary Journal*, 3 (2011):84-93.

¹⁸ Azza Soliman, *Family Law According to the Sources of Islamic Sharia*, a paper published among a series of papers presented in the Conference "For a New Family Law" organized by the Center for Egyptian Women Legal Assistance, 22-23 May 2013, p 4.

¹⁹ *Ibid.*

columns that have to be discussed is the concept of authority in family laws. We repeatedly find women portrayed as in need of care and guardianship which adds to various traditional readings concerning the ability and right of women to engage in politics away from husband control. The concept of "equality" between the two sexes is a contemporary concept and faces various problems in its relation to Islamic Jurisprudence and current Family Law.²⁰ Away from the concept of equality and closer to the idea of guardianship we find legislations include issues like the right of men to polygamy and divorce and women's smaller share of inheritance.²¹ Moreover, there is a clear denunciation of the very idea of equality, and women active in the public space face many hardships. For example, the number of female judges did not exceed 31²² until 2007 and they face obvious discrimination in judicial posts like criminal courts and the Supreme Constitutional Court (except one female Justice, Tahany El-Gebaly who was appointed by presidential decree in 2007). In 2007, the participation of female judges in the State Council was voted against by 334 to 42 votes. This created great controversy in judicial circles concerning the willingness of the regime to treat female judges on equal foot with male judges and empower them from going up the judicial scale instead of having to appoint them by presidential decrees.²³ At other times, we find that women are obstructed from working as political leaders whether in political parties, unions or movements. This may be due to cultural concepts that don't conceive women in higher political posts. In short, Egyptian women face great hardships when they try to occupy positions of decision making because of legislations in general or legislations regulating personal affairs in particular. These legislations reproduce prevailing societal concepts that limit their right to be free and independent individuals violating the principle of equality. Thus, escaping this dilemma is not possible except by creating new knowledge spaces from which feminist voices emerge in order to rethink and change the traditional traditions from within.

Conclusion

The public space is on its way to be the main space for practicing politics in Egypt and countries of the region especially following the wave of revolutions witnessed in the region which affected the capacities of state institutions to contain the political process by creating legitimate spaces for exerting pressure for different groups of people. We find that the conflict of social and political forces moved from taking place under institutional umbrella to interactions between the different groups in Egyptian streets. Survival became mainly for those who can control street action. In such circumstances, restricting the public space is one of the primary fear in this period in which there

²⁰ Ziba Mir-Hosseini, Are Men Custodians of Women? Breaking a Legal Myth in Muslim Family Laws – Paper published among a series of papers presented in the conference "For a New Family Law" organized by Center for Egyptian Women Legal Assistance, 22-23 May 2013, page 2.

²¹ Ibid.

²² Al-Shark Al-Awsat Newspaper – 15 March 2007 –

<http://www.aawsat.com/details.asp?article=410722&issueno=10334#.UfUGxiswfPw>

²³ Lindsey, Ursula. "Egypt: Battle for Women Judges Have Won." Third World Resurgence March 2010: 39-40 available through <http://www.twinside.org.sg/title2/resurgence/2010/235/women1.htm>

are no guarantees that all parties will be treated equally. Concerning participation of women in particular, they don't get enough protection compatible with their participation. The laws in place are loose and make it hard for women to prosecute violators. For example, security forces still don't have the capacity or willingness to prosecute sexual offenders whether the violation took place in a mass demonstration or not. This also takes place by consolidating narrow conceptions of the role of women in society including the attack on laws that stipulated contrary conceptions and not working seriously to integrate women in all levels and branches of political and public life. Moreover, women are increasingly attacked when they become an object used by different political factions to stress particular ideological values or attitudes. Thus, the presence of women in public political spaces is a structural issue that affects all institutions working in the state starting from civil society institutions and the way they deal with political participation of women, to the role of political parties in the development of and support for female cadre therein and encouraging them to reach decision making positions, to the role of different institutions of the state in guaranteeing the representation of sufficient number of women and their issues inside government structures and their decisions. Thus, dealing with women's issues should not stop at analyzing statistics and figures but should discuss the whole system and work on the creation and integration of possible feminist spaces that have effective role in the formation of social and political structure itself and are capable of pushing particular issues as priorities for the government and presidency like issues of violence and restructuring of the Ministry of Interior including the adoption of gender-sensitive laws and methods of work and activating violence against women units in police departments and announcing their rules and regulations.

Finally, it should be asserted that forms of political participation should be diversified and widened in order to guarantee the ability of women to criticize the realities of their lives and to express their visions for the society they are the half of. The aim is that women's problems are not to be reduced to sharing of posts and seats but to be widened to include their capacity to form discourses tackling their issues and engaging with the different structures of the state so that their presence in the public space becomes a political presence in itself, even if it aims at opposing the politicization of the public space which strongly developed in the previous decades and still goes on.