In the Shadow of the State: Gender Contestation and Legal Mobilization in the Context of the Arab Spring in Egypt and Tunisia

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A dissertation

submitted in partial fulfillment of the

requirements for the degree of

Doctor of Philosophy

University of Washington

2018

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Program Authorized to Offer Degree:

Political Science

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Abstract

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Gender issues emerged in various forms as part of uprisings that swept the Arab world starting from 2011. However, little attention has been paid to the differences among various countries of women's mobilization during and after the Arab Spring. The differences between Tunisia and Egypt, two of the central countries in the uprisings of 2011, have been stark in the ways women mobilized for action. In Tunisia, women's claims were principally channeled through the formal institutions of the state—a top-down process. In Egypt, in contrast, women went outside the standard institutions of the state to voice more radical demands—a bottom-up approach. My project asks why such different forms of women's contestation developed in these two states? I

argue that the distinct history and legacy of state feminism in each country was key in the development of novel rights claims on the part of the women's rights activists after the revolutions.

Furthermore, this research project argues his that it is often the multiple identities that women develop because of their involvement in politics, as new forms of subject formation, that act as critical symbolic resources in rights-based campaigns. In addition, this manuscript develops an argument on why and how mobilization occurs in contexts where states are direct perpetrators of gender-based violence. I argue such mobilization could lead to one of two possible outcomes: movements either turn to top-down approaches that seek to secure formal wins, or movements employ extra-institutional politics to push forward more radical claims of rights. I argue that the former happened in Tunisia where activists made strong political appeals to the state and developed a collective past legacy of state feminism. This, in turn, made it difficult to hold the state accountable for its violations. In contrast, and because of the ambiguous nature of state feminism in Egypt, the movement against gender-based violence was able to challenge the state hegemonic discourses within a much more repressive political context by employing extra-institutional tactics.

The broader implications of these findings question the assumption that democratic transition, transitional justice, and gender justice go hand in hand. Furthermore, the findings show how addressing violation committed by state agents through strictly technical channels could further perpetuate hegemonic understandings of the state's prerogative powers over its citizens.

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FOREWORD

I arrived in Tunisia for the first time in August 2012, as political tension surrounding the drafting of a new constitution was reaching a critical point. Rumors were circulating that Tunisia's majority Islamic party Ennahda was planning an assault on women's rights, specifically the progressive Personal Status Code (PSC) of 1956, which remains until this day the one law that outlaws polygamy and awards women more rights than that of any other country in the whole region. Many women and men took to the streets to protest the possible erosion of these rights that women had been granted almost 60 years before. References to state feminism, the historical gains of Tunisian women in the postcolonial state, were a common feature of post-revolutionary feminist mobilization. The invocation of the historical gains of Tunisian women in the aftermath of the revolution merits an examination and an explanation. Specifically, why would activists defending women's rights in Tunisia following the revolution use the very same rhetoric of the state that they just had revolted against? And, more importantly, should we see this as pragmatic resistance, political calculations on the part of a group of savvy women's activists, or is there a more complex story going on here? History has shown that periods of regime change can be perilous times, even when the change is in the direction of politically more liberal systems.

This research project focused on one of those legacies of the *ancien régimes* of the Arab spring; the historical project of state feminism. By this term, I refer to the constellation of state policies, laws, programs, and discourses that aim at improving the status of women in third world societies with the goal of mobilizing or channeling women's productive and reproductive capabilities in service of the state. But rather than just studying the direct policy effects of state

feminism on women, this study also focuses on the constitutive, subject-formation power of state feminism. In other words, this project analyzed how local women activists redefined women's rights in the shadow of those statists projects. This research was primarily motivated by explaining the effects of sudden political changes on women's rights and how women's rights movements negotiate those times. But while change seemed to be the word on everybody's lips back then, there was also many traces of the past in the present. Specific features, projects, and structures of the postcolonial states, whose regimes were crumbling in the Arab Spring, proved to be critical to the outcomes of the revolutions and the political processes they engendered.

During my second round of fieldwork in Tunisia, in late January 2014, two seemingly contradictory processes appeared to be unfolding in parallel. As the constitutional drafting process was coming to an end, another formal process was just starting, that of transitional justice. Tunisia's Truth and Dignity Commission was established on June 9, 2014, with an ambitious mandate to investigate a) alleged abuses committed by the state and b) abuses by those who acted in its name and under its protection since independence. The Commission was given the power of arbitration and the power to provide reparations to victims of violations committed by state agents against the people of Tunisia throughout the history of postcolonial Tunisia.

By early 2014, jubilation over the passing of the new constitution and the expanded formal rights that Tunisian women gained within it stood in stark contrast to the realities of women's rights in practice, especially when it comes to the direct role of the state as a perpetrator of gender-based violence. As the process of transitional justice progressed, it revealed a much darker side of the politics and practice of women's rights in Tunisia, both past and present. In a powerful display of public oral memorial narration, hundreds of Tunisian women came forward to recount memories of gender-based violence suffered at the hands of state

agents. For decades, thousands of Tunisian women suffered from systematic sexual violence at the hands of state agents. These women, whether former political activists or relatives of members of the opposition, or ordinary Tunisian women who suffered from various everyday abuses at the hands of the police were now seeking legal remedies and public recognition of those crimes. Seeking redress for gender-based violations at the hands of state agents in Tunisia represents an important and unexpected consequence of Tunisia's post-revolutionary democratic transition.

As part of a two- year political ethnography on women's rights related mobilization in Egypt and Tunisia in the aftermath of the Arab spring, I embarked on fieldwork in Tunisia under an initial assumption that the gendered effects of the two formal processes of constitution drafting and transitional justice were complementary rather than contradictory. In other words, I was under the impression that the politics of women's rights in post-revolutionary Tunisia could be explained through a straightforward linear trajectory in which formal gains in women's rights were a direct byproduct of the political opportunity structures enabled by the broader relative success of Tunisia's democratic transition. The institutional spaces created by the success of the democratic transition coupled with a historical legacy of state feminism in Tunisia enabled women's rights activists to make politically relevant claims that resonated with the broader public and political elite of the country.

What I assumed occurred in Tunisia was the opposite of what seemed to have happened in Egypt. In the wake of Egypt's revolutionary change, efforts by women's rights activists to introduce more rights for women as part of the formal political processes mostly failed and violations against women, including massive incidents of gender-based violence in the form of sexual assaults in public space, rose alarmingly. A failed process of democratic transition, the

lack of a strong legacy of state feminism in Egypt, and hostility to women's rights among the country's political elite could logically explain the relative failure of women's rights activists to achieve any significant formal gains for women.

While the initial hypothesis of this study that stipulates that formal gains in women's rights were a direct product of the specific political opportunity structures that movements face, including state ideologies and policies, turned out to be at least partly true, the politics of women's rights in both post-revolutionary Tunisia and Egypt proved to be much more complex. Furthermore, the picture-perfect image of Tunisia's women's friendly political transition betrayed a much more sinister reality, one that has broader theoretical implications for understanding the gendered effects of successful and failed democratic transitions, as well as the dynamics and outcomes of women's rights mobilization from a comparative perspective.

Moreover, the gender-related struggles in the context of the Arab spring reveal that the relation between the institutional historical legacies of women's rights and the type of mobilization that emerges later are far from simple. Identification **with** and resistance **against** the discursive and institutional legacies of state laws influence the initial ability of women's rights movement to mobilize, their mobilization tactics, and the outcomes of those struggles in often unexpected ways.

In summary, this project represented an effort to understand what feminist engagements with the state looks like in contexts where states agents are often perpetrators of gender-based violence. While this project's findings revealed the mixed outcomes that resulted from feminist engagements with the state under conditions of political uncertainty, it also demonstrated that women's rights activists played major direct and indirect roles not only in the politics of women's rights, but in the making and unmaking of Arab states following the uprisings.

ACKNOWLEDGMENTS

I have incurred many debts to many individuals who have helped me sustain the intellectual and emotional energy to complete this project. My greatest debt by far is owed to the feminist activists, women in politics, and the many young women and men who together comprise Egypt's and Tunisia's post-revolutionary wave of women's rights activism. They devoted time, energy, and endless patience to answering my questions and welcoming me into their lives, homes and workspaces. Two hundred semi-structured interviews, along with months of observation in Tunisia (and participatory observation in Egypt), allowed me a rare glimpse into the lives of a group of incredibly courageous women (and men). I was lucky to have the chance to tell a small part of their inspiring stories. I hope that I have done these special individuals and their stories the justice they deserve.

There is no words that can adequately express the depth of my gratitude to the three members of my doctoral supervisory committee, without whom I would not have started, let alone finished, my Ph.D. Michael McCann is the one person who provided the greatest academic and professional support to me for over a decade now. His support started even before I entered graduate school. I wrote to Michael an email in the summer of 2007 from Cairo, inquiring if he will be interested in supporting my Ph.D. application at the University of Washington. I had no ties to the U.S back then and was advised to contact Michael by Tamir Moustafa, a brilliant scholar of Egypt. Tamir's advice was the best anyone had given me and I owe him much for directing me to the University of Washington and to Michael McCann on that summer day a long time ago at the old campus of the American University in Cairo. Michael provided me with such unwavering support throughout the years that is too difficult to capture

here. I was certainly anything but a safe bet and without him I would probably never have finished this project. My work has become better due to his patient encouragement and high standards. Michael's commitment to social justice and to the study and practice of rights in the United States and beyond, sets an example that I will spend the rest of my career trying to follow. I will be forever grateful for the energy, time, and patience he devoted to shaping my project into "real" social science that, nevertheless, attempts to answer questions that lies at the heart of any struggle for equality and justice.

I am now joining legions of grateful graduate student who owe their academic success to Joel Migdal. Joel had been an incredible mentor that taught me the real value of data-driven research and the importance of asking difficult questions. Together with Michael, Joel had read more draft chapters, fellowship applications, and job market documents that any of us would like to remember. Joel's meticulous reading and detailed comments on every page I had sent him throughout the years continue to astonish me. His support and encouragement of my longer-than- usual field work research had been unwavering. Much of what I know about social science research I owe it to him. I really hope I could live up to his expectations of me one day.

I count getting to know and working with Ellis Goldberg as the most valuable thing I amassed during graduate school. The sheer intellect and sharpness of Ellis, and his unparalleled knowledge of Egyptian history and politics (among many other things) is so staggering that I count myself lucky enough that I talk to him on a regular basis. Apart from his sound academic advice, his detailed comments on my work, and his generosity with his time, Ellis's close ties to Egypt and knowledge of the country and its people, made me feel at home in Seattle like nothing else did. I don't think many graduate students can say that they have witnessed a revolution with their professor, and marched together in the streets of Cairo. I will remain eternally grateful for

Ellis' kindness and for giving me the chance to co-author with him very early in my academic career. The many conversations we had over the years together whether in Cairo or in Seattle have shaped this project in many ways that I can ever recount.

I thank other faculty and staff members at the University of Washington who supported my research and teaching. Jamie Mayerfeld taught me how to be a better teacher and a better human being. His encouragement and kindness throughout the years is something I will always be grateful for. George Lovell supported my project and provided important advice on the perils of the academic job market. Susanne Whitening provided sound theoretical and empirical advice on several dimensions of this project. Sabine Lang carefully read and commented on parts of this manuscript and introduced me to a vast literature on comparative state feminism. Christine de Stefano guided my readings on feminist theory and influenced my initial interest in many of the topics discussed in this manuscript. The Comparative Law and Society Studies Center (CLASS) provided an important space for interdisciplinary research that deeply influenced my academic development. I can't thank Susanne Recordon, Meera Roy, and Ann Buscherfeld enough for providing so much logistical support over the years on so many issues. I thank them for their patience, kindness, and understanding.

I would like to thank many colleagues and friends at the University of Washington who made my graduate school experience much richer and contributed to this manuscript in numerous ways. I was lucky enough to meet a group of amazing feminist political scientists during my years in Seattle. Amanda Clayton, Milli Lake and Heather Pool produce incredible feminist scholarship that inspired my own research. Milli Lake is one of the best political scientists I know. She had been a constant source of support, advice, and friendship over the years. Betsy Cooper, Sijeong Lim, Hyo Won Lee, Kirstine Taylor, Anne Greenleaf, Joakim

Parslow, Mathew Goldman, Pam Stumpo, Neil Parek, Yoav Duman and Hadar Sharvit-Duman made my early years in the program unforgettable. Pam and Neil made my move to Seattle much smoother and welcomed me in their home when I arrived from Cairo. I will always be grateful for this first welcome.

I accumulated a number of friends for life during my years in Seattle. Jennifer Noveck was a great companion, friend, and writing partner during the final years of graduate school. Anat Goldman remains the one person I miss seeing on a daily basis from my Seattle days. I wish we could one day in a different Middle East, meet more easily in our own countries. I met Maged Zaher, a fellow Egyptian, in Seattle and his friendship and support had been one of the main reasons I handled many of the stresses related to graduate school. I will be eternally grateful for his encouragement, advice, and support, especially during the last few difficult months of writing. Noha Omar is the long-lost second cousin whom I found in Seattle and who had been a constant source of encouragement, love, and wonderful home-cooked Egyptian food. Last but not least, I can’t begin to say how much I owe Amanda Fulmer. I met Amanda during my first week at graduate school and we have been friends ever since. Amanda and her wonderful husband Doug Coldwell had been my second family in Seattle for so many years. I can’t even recount the number of times I stayed at their home and was welcomed every time I return. Amanda and Doug are the most decent and good-hearted people that I met in my life. I was privileged to witness their family grow as they welcomed their second son this year. I will be eternally grateful for the love and company of this most wonderful family, including my favorite dog in the world, Fritz.

Numerous field work trips and seven years of travel back and forth between Egypt, Tunisia, and the United States leave me with a great many debts and even more friendships. I fell

in love with Tunisia and its people ever since my first visit in 2012. I can't begin to say how much I appreciate the many hours I spent in the company of some of Tunisia's fiercest women. Boshra Belhaj Hamida welcomed me into her life and explained Tunisia to me like no one else did. Ehlem Bel Haj let me browse at leisure at the library of the AFTD and allowed me to ask as many questions as I wanted about the history of the Tunisian feminist movement. My two interviews with Sannaa Ben Achour helped me understand so much about Tunisia's legal history and the role of the Personal Status Code in it. I am also intensely grateful to Meriam Zeghedi for her companionship and excellent commentary on Tunisian politics. Ibtihal Abd El Latif's help and sympathy with my project allowed me to conduct first-hand research in the headquarters of the Truth and Dignity Commission. Finally, Mehrizia Labidi introduced me to many women that I interviewed for this research, fed me home- made "Gilbana" in her office, and answered my difficult questions on the tenuous relationship between feminism and Islam with much graciousness. I am yet to meet any woman who is as "empowered" as Mehrizia Labidi, who singlehandedly challenged my initial assumptions about the role of women in Islamic political parties/movements.

Back home in Egypt, I thank the hundred or so members of one of the most courageous movements in Egyptian history for taking the time to share their experiences with me. I also thank Hoda El Sadda for her incredible support, for answering my questions as a feminist politician, and for commenting on an earlier version of chapter three of this manuscript as a scholar of gender. My conversations with her refined my understanding of feminist research methodology. I am also very grateful to the organization she helped fund, the Women and Memory Forum, for providing me with the opportunity to be part of their oral history of women in the Arab spring project, which helped me fund another fieldwork trip to Tunisia. I am grateful

to Maissan Hassan for her support and for her sharp and clever comments on the history of the Egyptian feminist movement. I am also thankful for the many rich exchanges with Salma Shash, Azza Soliman, Omaima Abu Bakr, Hala Kamal, Dalia Abd El Hamid, Magda Adly, Ghadeer Ahmed, Ayat Othman, Amany Mamoun, Tarek Moustafa, Moustafa Mahmoud, and Salma El Naqaash. Many of the ideas presented here can be attributed in some way to those exchanges. Finally, there is simply no words to express my love, and solidarity with the entire team of Nazra for Feminist Studies. I will always consider myself part of this team no matter where I go and the days I spent in the Nazra headquarters remain some of the richest in my entire life. I am incredibly lucky that they opened this space for me and allowed me to practice feminism and not just write about it. I am especially grateful to Nada Zatona, Shiamaa Tantawey, Tasnime Haggag, Kholoud Gomaa, and Mahy Hassan for their dedication and help in running the Narza feminist school for two consecutive years in 2013 and 2014. It had been the best experience of my life.

I am also especially grateful for my lifelong friends who are always there for me no matter where I am. Noha El Ostaz continues to be the friend who listens to me complain tirelessly for hours and make me laugh so hard in the end no matter how bad it is. As the first brave woman to ever file a sexual harassment court case and win it in Egypt, she is the original inspiration behind this research. Yara Shahin took me on trips, encouraged me, and provided steady support throughout the years. Fouad Halbouni sustained me emotionally with his unmatched sense of humor, our intellectual and political discussions, and support to each other throughout the years. I am so lucky to have them all in my life.

The long field work research for this project was funded by fellowships and grants from the Open Society Foundations, the Arab Reform Initiative, the Project on Middle East Political

Science, and the University of Washington's Graduate School Chester Fritz Fellowship. I am very grateful to these institutions. I am especially indebted to Dina El Khawaga who supported my funding application to the Arab Reform Initiative and provided a great mentoring space for young Arab scholars. Tamara Pinkas helped me edit this entire manuscript and I know it is much better than it originally was because of her. I am extremely grateful for her help.

I was lucky enough to be awarded a fellowship at the Harvard Kennedy School's Middle East Initiative as I was finishing this manuscript. I wish to thank Hillary Rantisi, Julia Martin, and the rest of the staff at MEI for providing me with the best writing environment anyone can hope for during the last stressful months of dissertation writing. I wish to thank my fellow "fellows" Diana Greenwald, Jonas Bergan Draege, Allison Hartnett, Matt Buehler, and Liz Nugent for their constant encouragement and for their detailed comments on chapter four of this manuscript. I am also very grateful to Tarek Masoud for his valuable insights and comments on my work and to Vickie Langohr for her academic support and her warm friendship in Boston and Cairo. Lama Abu Odeh's support throughout the years of both me and this project is something I will always be grateful for. Her wit and intellectual courage inspired me in so many ways.

Last but not least, I thank my parents Mahmoud Abd El Latif and Shadia Lasheen for being the best parents anyone could wish for. Their support and steadfast belief in my ability to succeed made me want to make them proud. My only sister Heba continues to inspire me with her strength, courage, and her ability to survive tragedy and emerge stronger than before. She is my role model. My niece Noni is the joy of my life and my skype video calls with her make my day. My dear friend Mozn Hassan, who is currently under a travel ban for her role in supporting women's rights in Egypt, had been my main source of support, inspiration, and advice throughout this project. Over countless Shishas in Cairo, and many online chats, Mozn was there

for me through it all. Her courageous fight for women's rights in Egypt is only matched by her loyalty to her friends. The depth of my gratitude to Mozn for making me a better feminist and academic is too difficult to be put into words. I dedicate this manuscript to her.

Finally, to Mohamed Naeem: my appreciation of you, your mind, and your support of me is beyond measure. We have met when this project was still an idea in my head, and you have supported me through it all like no one else did. Your suggestions, critiques, and the long hours you spent discussing the two cases with me have directly contributed to the improvement of this text. Our adventures in Cairo, Seattle, and Tunis have made my entire research much richer. I count myself lucky to be married to my best friend who happens to be the smartest person I, and everybody else around us, knows. I am forever grateful.

While this project could not have been completed with the help and support of the many listed above , all errors are my own.

CHAPTER ONE

FEMINIST MOBILIZATION IN REVLUTIONARY TIMES: A TALE OF TWO STATES

I. Introduction

The Paradoxical Consequences of State Feminism

The uprisings that swept the Arab world starting from January 2011 represented a unique moment in the region's political history. Gender issues have emerged in various forms, whether as part of the many grassroots protest movements that challenged older forms of social and political authority, or within the broader framework of political processes and settlements occurring around these waves of mobilization. While the role women played in bringing about the revolutions had long been documented, little attention has been paid to new forms of feminist mobilization arising from different political and subjective positions within both formal and informal political processes. One particular gap involves the role legacies of state feminism in both countries played in the development of novel rights claims on the part of the women's rights activists after the revolutions. This is especially the case in Tunisia and Egypt, two states where revolutionary politics led to contrasting outcomes: a tenuous democratic transition in the first, and return to military dictatorship in the second. Such gender-related contestations and the mobilization resulting from them represent one of the most significant, yet understudied, consequences of the Arab spring.

But what roles did contestations around women's rights play in the context of both citizens' movements and formal political settlements? What broader insights can we glean from the two cases about the similarities and differences in the ways that feminists engage with the state at times of political transition? What types of feminist subjectivities emerged in the course of those

struggles? How did law work as both an integral institutional constraint and as a strategic tool of activism on the part of the women's movements? Finally, how can such theoretically driven insights about the dynamics of mobilization around women's rights, improve our understanding of the relation between democratic governance and gender justice in fragile states?

Investigating these questions in the context of the uprisings that swept the Arab world starting in January 2011 from a comparative perspective is especially relevant given the extent to which the events represent a unique moment in the region's political history. Gender–related issues have emerged in various forms, whether as part of the many grassroots protest movements that challenged older forms of social and political authority or within the broader framework of political processes occurring around these waves of mobilization. While the role women played in bringing about the revolutions has been well documented (Hafez 2012; Moghdam 2014; Al-Ali and Pratt 2016)[1] , little attention has been paid to the stark differences among various countries of women's mobilization during and after the Arab Spring and how those different models of mobilization reflect structural and subjective factors that relate to the role that law historically plays as a tool for women's empowerment or disempowerment.

This research project centers around how women's rights activists have used the language of rights and renegotiated hegemonic discursive and institutional boundaries to reinvent

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[1] There is a growing scholarly literature that analyzes the role of women's movements within the context of the Arab spring, and the consequences of the Arab spring on women's rights in the region and beyond. This literature includes several important contributions such as: Moghdam, Valentine. 2014. "Modernizing Women and Democratization after the Arab Spring", The Journal of North African Studies, 19(2):137-14; Khalil, Andrea (Ed) Gender, Women and the Arab Spring. 2014. London: Routledge; Hafez, Sherine.2012 "No longer a bargain: Women, Masculinity, and the Egyptian Uprising" American Ethnologist 39(1): 37-42, and Al-Ali, Nadje and Pratt, Nicola. 2016. "Gender, Protest and Political Transition in the Middle East and North Africa" In Jill Steans and Daniela Tepe-Belfrage (Eds). Handbook on Gender in World Politics, Cheltenham: Edward Elgar, Salime, Z. (2012), "A New Feminism? Gender Dynamics in Morocco's February 20th Movement', Journal of International Women's Studies, 5 (5): 101-114; and Skalli, L. H. (2014), 'Young Women and Social Media Against Sexual Harassment in North Africa', The Journal of North African Studies 19 (2): 244-258.

women's rights at times of political uncertainty. It also critically questions feminist engagement with the state in contexts where the state is a primary violator of women's rights, especially during political transitions. I draw upon theoretical approaches advanced in political science, gender, women, and sexuality studies, social movements theories, socio-legal studies, and apply them to data I collected in the Middle East during a two-year long political ethnography to answer two interrelated inquiries: (a) why did such different forms of women's contestation developed in these two states? And (b) how could we understand the contradictory effects of those episodes of mobilization as demonstrated by the two above-mentioned examples of the constitutional drafting process and the transitional justice process in Tunisia? These gender-related mobilizations and their results represent one of the most significant, yet understudied, consequences of the Arab spring.

The differences between Tunisia and Egypt, two of the central countries in the series of anti-authoritarian uprisings collectively known as the Arab spring,[2] have been stark in the ways women demanded rights and how they mobilized for action. In Tunisia, women's claims were principally channeled through the formal institutions of the state—a top-down process. In Egypt, by contrast, women went outside the standard institutions of the state to voice more radical demands—a bottom-up approach. While limited forms of extra- institutional mobilization

[2] I use the term the "Arab Spring" here to denote the series of uprisings that erupted in several Arab countries toward the end of 2010 starting with Tunisia. The term "Arab Spring" is an allusion to other revolutions including the Revolutions of 1848, sometimes referred to as the "Springtime of Nations", and the Prague Spring in 1968. Several scholars have recently been skeptical of the term, pointing to the myriad and often contradictory results of the uprisings in different contexts where popular mobilizations against long-standing dictatorships occurred. For general critiques of the term, see Brownlee, Jason, Masoud, Tarek, and Reynolds Andrew. 2015. *The Arab Spring: Pathways of Repression and Reform.* Oxford: Oxford University Press. For critiques on how the term had been used specifically to describe "generalizable "gender outcomes of the uprisings, see: Al-Ali, Nadje and Pratt, Nicola .2016. "Gender, protest and political transition in the Middle East and North Africa", In: Steans, Jill and Tepe-Belfrage, Daneila, (eds.), *Handbook on Gender in World Politics.* Cheltenham, UK; Northampton, MA, USA: Edward Elgar, pp. 127-136.

developed in Tunisia, and even fewer number of episodes of top-down mobilization occurred in Egypt, the above characterization of women's rights mobilization in the two countries hold true. But while these two narratives explained formal political women's rights developments in the two countries, several puzzles remained unanswered: 1) What accounted for the failure to hold Tunisia's state agents accountable for committing gender-based violence despite a seemingly successful democratic process? 2) More puzzling, what accounted for Egypt's radical wave of mobilization around gender-based violence, and how could we assess the impact of this mobilization within the context of Egypt's repressive post-coup setting? Was it simply a brave but unsuccessful movement? And finally, 3) What type of structural impacts did the women's rights movement in Tunisia and Egypt achieve? [3]

Most social movement scholarship depicts movements as emerging from the 'bottom-up' efforts of distinctive, individual collectives to challenge the 'top-down' hegemony of national states, multinational corporations, and even hegemonic understandings of rights promoted by international civil society organizations. [4] This manuscript , in contrast, demonstrates how mobilization and the structural impacts it creates occur across complex, interdependent relationships that defy the strict dichotomy between bottom-up change and top-down reforms.

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[3] I borrow the term structural impacts here from Kitschelt's (1986) attempt to measure social movements impacts. Kitschelt's proposed three types of impacts: (a) procedural; (b) substantial; and (c)structural impact. Structural impacts are measured as changes to the structural conditions in which movements act. For more details, see: Kitschelt, Herbert P. 1986. "Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies." *British Journal of Political Science* 16 (1): 57–85.

[4] By social movement scholarship, I refer to a body of literature that systematically explores the outcomes of social movements and their features. The first wave of social movement literature, as part of the resource mobilization approach popular in the 1970s, was primarily concerned with how social movements could acquire resources and mobilize people to obtain the movement goals, and as such, studies of movement outcomes tended to examine movement-centered variables (see for example: Gamson 1990). In the 1980s and 1990s, a second wave of scholarship on social movements, known as the political process approach, criticized the resource mobilization approach for underestimating the importance of structural context (Goldstone 1980; Kitschelt 1986). This study is deeply influenced by this literature, as it seeks to provide an alternative definition of what constitutes a movement and the role of ideology and subjectivity in movement building. For more details, see section III of this chapter.

The unexpected consequences of several episodes of gender-based mobilization in the context of the Arab spring in both Tunisia and Egypt problematize the usual dichotomy between top-down and bottom-up efforts to reform women's rights. These unanticipated outcomes show how historical legacies of state feminism produce complex and sometimes contradictory effects on women's rights, even in the same context. Finally, the unexpected results reveal the conditions under which state laws and policies, in this case the historical legacies of state feminism, turn into hegemonic projects. These projects may prohibit or encourage new modes of mobilization that redefine the limits of women's rights in any given context.

But explaining how those two models of gender contestation developed in the first place requires developing a theoretically sophisticated analysis about the distinct history and legacy of women's rights in each country and how it influenced the development of novel rights claims on the part of the women's rights activists after the revolutions. In other words, state laws and their institutional and discursive manifestations provide the means to assess those effects in the first place, and understand how they evolve and change in response to the changes in the political contexts. On the other hand, state laws and the campaigns that produce them provide a drastically discounted and one-sided account of the politics of women's rights in any given context.

To fully understand the politics of women's rights in any given context, the often-sharp theoretical distinctions between the effects of state laws and institutions (top-down reforms), and the different forms of grass-root mobilization (bottom-up reforms) need to be unpacked to reflect the complex realities of women's rights in many contexts around the world that is undergoing rapid political change. In other words, understanding the contradictory results on women's rights of the 2011 uprisings in Tunisia, Egypt, and beyond, requires a nuanced investigation of the

conditions under which formal legal and political reforms are likely to either lead to broader and significant shifts in women's rights, or perpetuate hegemonic understandings of the state and its prerogative powers over its citizens.

Recent episodes of mobilization for women's rights did not come about in institutional vacuum. This study argues that historical legacies of state feminism in Egypt and Tunisia influenced both the scope and content of those campaigns as well as their outcomes. Moreover, it argues that state feminism was and remains an important legal and political project in which third world states participated in the construction of citizenship and state loyalty in ways that go beyond women's rights. As former influential studies have shown, the formal parameters of rights and liberties in a political context are key indicators of the degree to which the state, as an entity, is autonomous from key social forces such as tribe, or class, clans, or other sub-national spheres of power (Schatz 2004; Charrad 2001; Migdal 2001).

Along the same lines, this manuscript illustrates how women's rights were used as demarcations of difference on key political issues such as the role of religion in the polity, the ability of the state to penetrate the private sphere of its citizens' lives, and the place of state law among the set of informal rules that govern society. Through a methodological approach that combines both a comparative historical analysis of state feminism in two postcolonial settings and a multi-sited political ethnography that analyzes the more recent short-term developments at a critical historical moment, this manuscript offers theories about how and why women's rights in Tunisia and Egypt followed different paths and experienced different outcomes.

The rest of this introductory chapter is organized as follows: Section II lays out the main arguments of this research project and briefly introduces the two cases. Section III turns to the broader theoretical contributions that this manuscript is making and the relevant literature it speaks

to and builds upon. Section IV details this study's methodology, data sources, and explains major decisions in the field. It also discusses the researcher's positionality and how it influenced both the methodological and theoretical focus of this research. A final section V provides an outline of each of this manuscript's chapters.

II. Main Argument: The Shadow of the State and the Puzzling Outcomes of Women's Mobilization:

The central argument of this manuscript is as follows: historical legal and political legacies of state feminism defined the official parameters and limit of women's rights in law and practice. Such legacies also defined the limits of legitimate political and legal mobilization for women's rights, and the ways in which movements would subsequently struggle for broader policy changes or structural transformations in those institutionalized power relations. Through a comparative study of historical projects of state feminism in Egypt and Tunisia, this manuscript will show how the post-colonial roots of those projects pushed forward different legal and political understandings of women's rights and how those understandings impacted the ability of women's movements to mobilize for rights and how individual women activists saw themselves as feminist actors. The institutionalization of laws, policies, and discourses that constitute distinct projects of state feminism occurred differently in Egypt and Tunisia and deeply impacted the scope and content of women's rights. Different dimensions of state feminism affected women's abilities to mobilize in different ways, with contradictory consequences. Moreover, contradictory outcomes occurred in both cases as well as within each case.

While this research project is predominantly about the intended and unintended consequences of historical state feminism, analyzing the role of women's rights movements and

their mobilization against gender-based violence in two entirely different institutional contexts, brings the arguments presented here into greater relief. Broadly speaking, Egypt and Tunisia, therefore, display striking similarity on some variables and key differences on others, making the comparison between them a useful one (Gerring 2004; George and Bennett 2005; Lieberman 2009; Ragin 2014). The two countries exhibited similarities on variables such as the timing of the popular uprisings, Arab culture, prevalence of state violence, international and domestic attention to gender violence, and active women's rights movements. Yet, they differ in important ways on the dependent and independent variables (that is the outcomes of the mobilization for women's rights, and the nature of the historical projects of state feminism in each case). The juxtaposition of these two cases thus represents an illuminating comparison. I illustrate below some of those differences and similarities.

Theorizing the Puzzling Impacts of Historical Projects of State Feminism in Egypt and Tunisia

Tunisia: Strong State Feminism

Tunisia experienced historical changes in 2011 following the outbreak of the Jasmine revolution in December 2010. It was an uprising that inspired similar demonstrations in many countries in the region and signaled the beginning of a series of popular uprisings that came later to be known as the Arab Spring. Street protests triggered by the self-immolation of Mohamed Bouazizi, a street vendor in Sidi Bouzid, on December 17, 2010, quickly spread from city to city. Massive protests were fueled by long-term grievances against a police state that ruled Tunisia with an iron fist and curbed political opposition of any type. Curbing freedom of expression and the right to political assembly were among the key reasons behind the protests. In addition, growing socio-economic inequalities between the northeastern coast, which accounts for 58 percent of the Tunisian economy's value-added, and the western and southern parts of the country, which account for only 18 percent of it, contributed to further escalating the political

unrest. (Brnovic and Hatoum 2013). The protests and violence continued, and by January 14, the president and his family fled the country to Saudi Arabia.

Elections for a Constituent Assembly were held on October 23, 2011, with more than 106 new political parties running. The largest challenge to Tunisia's nascent democratic transition was the constitution drafting process, which proved to be the most contentious standing issue between Ennahda, Tunisia's largest Islamic party, and its secular opponents. Throughout 2013, debates on the constitution and the leakage of several draft articles to the public caused an intense debate on several issues including the place of religion in political life, the status of women, and freedom of religion and expression. By early 2013, Tunisia's entire post-revolutionary democratic transition was facing grave danger. Mutual distrust was common among all parties, and the need for external mediators that enjoyed historical legitimacy to step in was great. The general union of Tunisian Workers (UGTT) stepped in and managed to mediate a second and historical settlement in October 2013, one that saved Tunisia's fragile democratic transformation.

To end the political deadlock that paralyzed the National Constituent Assembly for more than three months in 2013, Ennahda's leadership compromised on many issues and decided to accept the opposition's demands to renegotiate several constitutional provisions related to the country's identity as a "civil state," women's rights, and freedom of religion. While secular forces in Tunisia claimed that Ennahda monopolized the entire process of drafting the constitution from start to finish, they also admitted that the final draft included some fundamental compromises on controversial issues (Marks 2014). The national dialogue that resulted from the road map of October 2013 assisted in bringing in the third and last political settlement, Tunisia's passing a progressive constitution in January 2014. The new constitution

contained no reference to the principles of Islamic Shari'a and enshrined equality for men and women as a constitutional principle.

While both the parliamentary and presidential elections in 2015 saw rising polarization between Nida Tounes, an umbrella secular political party, and Ennahda, the terms of the 2013 settlement remained much or less in place. Nida Tounes won most seats in the parliament with Ennahda coming a close second. Ennahda's decision not to field a presidential candidate even after the victory of Nida Tounes in the parliamentary elections and their joining the government formed by Nida Tounes, showed Tunisia's two most influential political actors moving toward a power-sharing arrangement that could mark a new beginning for Tunisia's democratic transition. Having passed the two-turn over test, or the second meaningful election in which a genuine transfer of power occurred peacefully (Stepan 2012), Tunisia seemed to be on its way, despite the many challenges it still faced, to becoming the Arab world's first, and so far, only, democracy. The process of drafting new constitutions, as part of the post-Arab Spring political settlement in Tunisia, constituted a critical moment for the Tunisian women's rights movement. The political opportunity structures that feminist activists faced in the aftermath of the Arab spring, were dependent on institutional and discursive dimensions of the historical project of state feminism in Tunisia.

Women's rights emerged as a key legitimating tool of the state as the Personal Status Code of 1956 became a supra-constitutional principle that tied women's rights to the secular identity of the state. [5] Moreover, legal contestations to the state's authority through courts was

[5] The significance of the Personal Status Code of 1956 on the development of constitutional law in Tunisia was profound. First, the Personal Status Code was passed in late 1956, almost three years before the post-independence constitution was drafted. Second, the emerging state elevated it to became a supra-constitutional principal, upon which the constitution itself, and the entire legal system, was based. For more details on this, see chapter two of this manuscript.

absent throughout most of the period following Tunisia's independence in 1957, and up until the Jasmine revolution of 2011. The national court system established in the early days of state building remained under close control of the state, and thus judicial independence remained virtually non-existent (Goldstein 2011).

According to Migdal (1988) there are three levels of social and political control that signify the strength of the state: (1) compliance: how a population responds to state demands (2) participation: leaders organize the population for specialized tasks through institutions (3) legitimacy: the acceptance of the symbolic order associated with the idea of a state as people's own system of meaning (Migdal 1988: 21). These different levels of state's strength were largely present throughout the history of the postcolonial state in Tunisia. While most of the state's legitimacy was seriously eroded in the last decade of Ben Ali's rule, mainly due to high levels of corruption, police abuses, and increasing levels of mobilization against the regime from different social forces, state elites were historically confident that they could implement any laws that they passed. Such high state capacity continued to be the logic under which law functions in post-revolutionary Tunisia, and it partially explains the central position that women's rights, continued to occupy in the struggles and debates shaping the emergence of a democratic second republic in Tunisia. It does not however adequately explain why the Tunisian women's rights movements managed to achieve important formal gains such as the constitutionalization of electoral parity between men and women at all levels of elected councils and the state's commitment to combatting all forms of violence against women. [6] More significantly, it does not explain the failure of most attempts by the women's rights movement in Tunisia to hold state

[6] Text of the Tunisian Constitution available at: https://www.constituteproject.org/constitution/Tunisia_2014.pdf *(accessed on 7/13/2016).*

agents accountable for committing gender-based violence, despite the ongoing successful democratic transition.

Egypt: Weak State Paternalism

Inspired by the Jasmine revolution in Tunisia hundreds of thousands of Egyptians took to the streets in January 2011 in an ideologically and socially diverse mass protest movement that ultimately forced longtime president Hosni Mubarak from office. A protracted political crisis ensued, with the Supreme Council of the Armed Forces (SCAF) taking control of the country until a series of popular elections brought the Muslim Brotherhood, Egypt's longstanding Islamist political opposition to power. In November 2011, the Muslim brotherhood's party, the Freedom and Justice Party (FJP) controlled more than 44% of the seats and the Salafist Al-Noor Party took 25% of the seats, thus providing an Islamist domination of more than 69% of the parliament (Masoud 2014). Moreover, in June 2012, the FJP party's presidential candidate, Mohamed Morsi, became the first democratically elected president in the history of modern Egypt, signaling a political dominance of the Islamic camp in post-revolutionary Egypt.

Soon afterwards, disputes between Morsi and the secular revolutionary camp in Egypt escalated. The main points of contention in 2012/2013 centered on the what the non-Islamist camp in Egypt regarded as attempts to control the state's judiciary, attacks on Egypt's largest Christian minority, the Copts, and eroding the rule of law by issuing a presidential constitutional declaration in November 2012 that increased the powers of the executive. [7] The non- Islamic camp in Egypt continued its political escalation against the Muslim-Brotherhood government

[7] Morsi's constitutional declaration granting the president the right to use all "necessary procedures and measures" needed to confront — prepare for a very vague statement — a "danger threatening the Jan. 25 revolution, the life of the nation, national unity, safety of the nation, or hurdling the state institutions in performing their roles" — which appears to indicate a wide range standby emergency powers at the hands of the presidency. For more details on this, see: Sabry, Bassem. 2012. "Absolute Power: Morsi Decree Stuns Egyptians" *Al-Monitor* November 17, 2012 at: http://www.almonitor.com/pulse/originals/2012/al-monitor/morsi-decree-constitution-power.html#ixzz4zluXONwj

until the June 2013, when mass anti-government protests led to the military stepping in to remove Morsi in early July 2013, in what has been variously described as a coup d'état or as an ending to the second revolution, or both. [8]

Abdel Fattah El-Sisi, Egypt's then minister of defense who had been appointed earlier by Morsi, became president of Egypt the following year, winning election to the presidency in a landslide victory described by EU observers as "free but not necessarily fair". [9] Nonetheless, Sisi's election was widely recognized by the international community, despite the continuing political repression against all factions of the Egyptian opposition. In August 2013, the Egyptian military attacked a sit-in by supporters of the Muslim Brotherhood in the heart of Cairo at Raba'a Square, killing between 700 and 2000 protestors, according to various estimates. While various attacks by the Egyptian military on civilian protestors had occurred at different times during 2011 and 2012, with hundreds of casualties occurring from among the ranks of the non-Islamic camp,[10] the killing of the Muslim Brotherhood supporters at Raba'a square constitutes the largest massacre committed by the Egyptian state against civilians in modern history.[11] Following the coup d'état of 2013, Egypt began descending slowly into a military dictatorship where the rule

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[8] For different views of what occurred in the summer of 2013 In Egypt, see: Hussain, Fahim. 2014. "Egypt's liberal coup? *Open Democracy*, August 13, 2014 at https://www.opendemocracy.net/north-africa-west-asia/faheem-hussain/egypt%27s-liberal-coup, and Hamed, Yehia. 2014. "Egypt's coup had plunged the country into catastrophe" *The Guardian*, March 16, 2014 at: https://www.theguardian.com/commentisfree/2014/mar/16/egypt-coup-catastrophe-mohamed-morsi

[9] For more details on the EU's reporting on Egypt's 2014 presidential elections, see: http://eeas.europa.eu/archives/delegations/egypt/press_corner/all_news/news/2014/20140529_en.pdf

[10] For examples of Military attacks on civilian protests in Egypt, including female protesters, see: Souif, Ahdaf. 2011. "Image of Unknown woman beaten by Egyptian Military echoes around the World". *The Guardian,* December 18, 2011. I return to this topic in details in chapter five of this manuscript.

[11] For a detailed account of the killings of protesters at Rab'aa, see: Holmes, Amy. 2014." Why Egypt's Military orchestrated a massacre".*The Washington Post's Monkey Cage*. August 22, 2014.

of law, the independence of the judiciary, and human rights have been slowly eroded.[12] The coup d'état of 2013 was the second in Egypt's history after the 1952 coup that enabled Nasser, followed by successive military officers, to rule Egypt uncontested for over 70 years.

The Egyptian political elite of the 1930's and 1940's, weakened by inter-group fighting and ruling a country that was not entirely independent yet, could not extend its rule-making over most of the population, leading to a period of massive social and economic unrest (Benin 1989). After only two decades of parliamentary elected governments, Egypt's democratic phase was terminated with the 1952-coup d'état and the establishment of the Egyptian "military" republic. After ruling under a brief constitutional declaration for about three years, the "Free Officers" consolidated their rule with the 1956 constitution.[13] This constitution was nearly empty of any articles that clearly set limits on the authority of the executive as manifested in the powers given to the president of the republic. According to the 1956 constitution, the president had the right to issue emergency decrees that could effectively suspend most of the articles of the constitution itself.

In Egypt, the process of state- building and its consequences on women's rights were substantially different from that of Tunisia. An independent but weak state emerged much earlier in Egypt in the wake of nominal independence from British rule in 1922. The period between 1922 and 1952 was a time of limited democracy, where a multi-party political system functioned and political power was transferred regularly (Ayoubi 1995). One important consequence of Egypt's early experience with liberal democracy was the emergence of a strong and independent

[12] For more details on the erosion of liberties in Egypt following the 2013 coup, see Human's Rights Watch 2017 report on Egypt at: https://www.hrw.org/world-report/2017/country-chapters/egypt

[13] The Free Officers was a secret organization of junior army officers that overthrew Egypt's monarchial parliamentary regime in July 1952, and over the next few years consolidated their rule, brutally suppressing alternative political movements. Gamal Abdel Nasser, one of the young officers, emerged as the leader of the military junta. He later became the president of Egypt between 1956 and 1970.

judiciary, one that was almost unmatched in other countries in the region and in other similarly authoritarian contexts (Moustafa 2007; Brown 1997). The emergence of a well-functioning and independent legal system preceded the consolidation of the post-colonial state itself, which remained weak and fragmented in its ability to rule up until the early 1950's (Ayoubi 1995). The case of Egypt thus represents a perfect example of what Nazih Ayoubi terms "the lopsided nature of many post-colonial states: the fact that it is underdeveloped in certain respects but overdeveloped in others" (Ayoubi 1995: 12).

Egypt differed from Tunisia, where law served as tool of hegemony for the post-colonial state and where the PSC played a major role in the political and legal life of the new state. Egypt's family law, in contrast, became the important nationalist marker of cultural distinction. No attempts to introduce any real changes to its Islamic character were attempted under Nasser. In fact, no such attempt was made until 1979, when the ill-fated law 44/1979, popularly known as Jihan's law, was ruled unconstitutional by Egypt's Supreme constitutional court (Bier 2011). Egypt's rulers from Nasser to Sadat to Mubarak simply shied away from directly addressing the stark gender inequality codified in Egypt's personal status laws, which date back to the 1920's (Kholoussy 2010). These conflicting tendencies have resulted in the current contradictory situation that Egyptian women find themselves in to this day: while the official state discourse encourages the attainment of more public rights (to education, work, and political participation), at least theoretically, women still confront serious forms of gender inequality within the private domain of the home and family. This stands in stark contrast to Tunisia's project of strong state feminism, where the postcolonial state reforms tackled directly the marriage institution, or the private sphere, as the main domain where the state could influence gender relations.

Egypt's historical project of state feminism could thus be better described as a form of ambiguous state paternalism, which had no consistent effect on women's rights. [14] In stark contrast to Tunisia, women's rights became a mark of *nationalist difference*, rather than an integral aspect of the state's modernizing project.[15] Comparatively speaking, and throughout the postcolonial period, Egypt lacked a consistent nationalist project of state feminism that could be traced historically in the set of laws, discourses and polices promoted by the state.

To explain how and why efforts to mobilize for women's rights in Tunisia and Egypt followed different paths and experienced different outcomes, I combine three frameworks/levels of analysis to examine the relationship between the historical projects of state feminism in Egypt and Tunisia, on the one hand, and the ability of women's rights activists and feminist movements in each state to mobilize for women's rights in the context of the Arab spring, as well as the outcomes of this mobilization, on the other. The three levels of analysis are : (a) a structural account of the historical- institutional (top-down) manifestations of state feminism in both countries; (b) an analysis of the mobilization around women's rights in both formal and informal spaces following the Arab spring (bottom-up); and (c) an actor-based interpretative analysis of subject formation, or how the feminist activists involved in those episodes of mobilization were influenced by those historical legacies of state feminism.

I develop three sets of theoretical arguments about feminist engagement with the state in times of political uncertainty, particularly when state institutions are being reconfigured. The

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[14] I borrow the term "state paternalism" from several studies of top-down state projects in the third world that target women as subjects of a customary nationalist project and that uphold customary culturalism practices when it comes to women's rights as part of their nationalist project, see Yeatman (1994) and Rai (1996). Egypt fits the definition of "state paternalism" rather than "state feminism" for several reasons that will be further elaborated in chapter two of this manuscript.

[15] I return to this point in detail in the next chapter.

*firs*t concerns the political opportunity structure under which women's rights movements and actors operate. I draw here upon an interpretation of the political opportunity structure developed in the context of scholarly feminist debates about the state (Kantola 2006). Borrowing from Kantola's two models of state-feminists relations (Kantola 2006), I interpret opportunity structures as either allowing feminists to be "in" the state, meaning that feminist activists saw the state as an arena for their activities and saw themselves as shaping the state's discourses and policies on gender, or to be "out" of the state, if an autonomous movement existed, and if feminist discourses were marginalized in state institutions. While adapting some of the key concepts of this model, this manuscript also expands it beyond this narrow conception of feminist engagement with the state to study how women's rights activists or groups effectively mobilized hegemonic state laws and policies.

The *second* line of argument concerns the often-neglected element of subject formation, especially the multiple identities that activists acquired because of their involvement in politics writ large. By subject formation, I mean the ways women's rights activists see themselves. The way they see themselves, I argue, is tied to state projects, which have influenced how these women understand themselves as right-bearing citizens. I argue that paying attention to complex processes of subject formation, especially the development of a common nationalist narrative of state feminism, enables a sharper theorization of critical junctures that allow movements to push forward new rights claims that seemed impossible before. This manuscript argues that the constitutive power of state laws as master narratives affect how the very subjectivities of actors come to be formed. Such subjectivity, or self-understanding, provides an important missing link that helps explain why certain episodes of rights-claiming can result in success, while others fail.

The *third* and final concern centers on how we can understand the outcomes of gender-contestation. The focus here is on the role of the state's institutional legacies of women's rights in contexts where states are direct perpetrators of gender-based violence. I argue that such institutional forms and legacies constrained more radical forms of mobilization, especially attempts to hold the state accountable for violating women's rights. This, in turn, could lead to one of two possible outcomes in contexts where the state violates women's rights: movements either turn to top-down approaches that seek to secure formal wins and discourage a politics of rights from the bottom-up, or movements employ both conventional and non-conventional, extra-institutional politics to push forward more radical claims of rights. I argue that the former happened in Tunisia, where activists made strong political appeals to the state and developed a collective past legacy of state feminism. This, in turn, made it difficult to hold the state accountable for its violations.

In contrast, and because of the ambiguous nature of state feminism in Egypt, the movement against gender-based violence was able to challenge the state hegemonic discourses and hold the state accountable for its violations within a much more repressive political context by employing extra-institutional tactics, characteristic of a movement that is relatively autonomous of the state. The broader implications of these findings question several key scholarly assumptions on the meaning and scope of top-down statist projects such as historical projects of state feminism. Moreover, the findings of this research critiques several methodological and substantive issues related to scholarly debates about the state's capacity and its role in social change in the third world, institutional change and continuity, the effects of democratic transitions on gender equity, and the constitutive and symbolic effects of law.

III. Contributions to Existing Literatures

Women's Rights and Democratization

The uprisings that swept the Arab world starting from January 2011 represented a unique moment in the region's political history. Despite the bleak prospects of the popular uprisings five years later, the political processes that they produced continue to challenge long-held theories dominant in the field, particularly about the resilience of authoritarian regimes (Bellin 2004; 2012; Gregory 2011, Wedeen 1999). Women have been at the center of many of those citizens' movements. While is difficult to predict what long-term effects the Arab uprisings will have for women, new forms of feminist mobilization arising from different positions and representing different subjectivities represent one of the most significant and understated consequences of the Arab spring.

Despite the importance of understanding the ways rules governing political institutions are gendered, there are few empirically contextualized studies in the growing scholarly field of gender and politics that describe how this occurs within formal and informal political arenas, with varying outcomes for women. Several feminist scholars of politics have critiqued the absence of gender as an analytical tool in the large branches of the discipline that explores both peaceful and violent transitions to democracy (Waylen 2007; Levitsky and Way 2010), and the rapidly growing field of gender and transitional justice (Buckley-Zistel and Stanley 2012; Gray and Coonan 2013). There is, however, increasing agreement among scholars of gender and politics that much of the literature fails to take account of the complexity of the process of transition to democracy (Krook and Mackay 2011). This manuscript fills this gap by highlighting the influences of both top-down and bottom-up episodes of contestation around women's rights on politics during democratic transitions (Krook and Mackay 2011; MacKay, Kenny and Chappell 2010; Walsh 2011).

The orthodox political science literature on democratization has so far made very little mention of gender, despite evidence of the significant role individual women and women's movements have played, for example, in the return to democratic politics in much of Latin America.[16] Moreover, when the role of women's rights movements in bringing about regime change, or in the post transition settlements is discussed, it is often treated as an exogenous rather than an endogenous factor. If this line of inquiry has been absent from the discipline in general, it has been even more so in the case of the Middle East. While several scholarly contributions have illustrated the mixed effects of the transition to democracy on women's rights in both Eastern Europe and Latin America, almost none had been written about the Middle East. [17] While this shortage of studies seemed logical until recently, since most of the region's states were entrenched autocracies, the recent events of the Arab spring and the political processes resulting from it highlight the impact of citizen's movements in general, and women's rights movements in particular, on both successful and failed political transitions.

Again, this manuscript fills this gap by analyzing the roles played by women's rights movements during transitions, as well as the impact of democratization, or its failure, has on gender outcomes. I argue here that the nature of pre-transition politics, particularly the nature of the previous regime's laws and policies related to women's rights affects, not only the gendered

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[16] For example, see: See Jane S. Jaquette, ed.1989. *The Women's Movement in Latin America: Feminism and the Transition to Democracy in Latin America*. London: Unwin Hyman, and Sonia E. Alvarez.1990. *Engendering Democracy in Brazil: Women's Movements in Transition Politics*. Princeton: Princeton University Press.

[17] For examples of these contributions see, Waylen, Georgina. 2007. *Engendering Transitions: Women's Mobilization, Institutions, and Gender Outcomes.* London and New York: Oxford University Press and Jane S. Jaquette, ed.1989. *The Women's Movement in Latin America: Feminism and the Transition to Democracy in Latin America*. London: Unwin Hyman, and Sonia E. Alvarez.1990. Both works provide an excellent analysis of why women's movements played an important role in the democratic transitions of most Latin American countries, while playing a minimal role in the same processes in Eastern Europe.

outcomes of the transition, but also the very limits of the transition itself. It further argues that to analyze democratic outcomes, it is important to begin by determining exactly what is meant by "democratic transition," to see whether the restricted definitions commonly used need to be expanded to incorporate a gendered approach. This entails asking different types of questions including the extent of the role that women's issues play in the transition and what happens to women's movements that were active prior to democratization in terms of the ways in which they see their political roles.

Baldez (2003) points to three causes behind women's mobilization: political resources, the way issues were framed, and the exclusion of women from the agenda setting process. According to this argument, the systematic exclusion of women from the process of agenda setting gives them an opportunity to unite in a broad coalition based on their shared identity as women (Baldez 2003: 250). While the relationship of women's movements with different parts of the state represent an important theme in the post-transition period in many of these studies (Piscopo 2014; Waylen 2007; Baldez 2003), there are little to no studies on how pre-transition legacies influence how women's rights activists see themselves as allies of the state or not.

In this manuscript, instead, I focus on how women's rights activists see themselves as political actors, including whether they perceive the state as an arena for their activism and how their view of themselves impacts how they mobilize, when they mobilize, and the different venues through which they mobilize. In the context of Tunisia, feminist activists saw themselves as part of a historical trajectory of state feminism in Tunisia. This self-identification with statist projects during a revolutionary upheaval does not mean that women's rights activists were co-opted by the state but rather that its legacies influenced their political tactics, specifically the ways in which they framed their campaign for constitutional guarantees for women's political participation.

State Feminism: Why and How History Matters

State feminism is a contested term among feminist institutionalists and scholars of gender and politics. It has been defined as the governing and policy-making activities of femocrats (Hernes 1987; Sawer and Jamieson 2014), institutionalized feminist policies in government agencies in public agencies (Eisenstein 1996; Outshoorn 2004); the capacity and willingness of the state to contribute to the fulfilment of a feminist agenda (Sawer and Jamieson 2014; Kantola 2006) and the advocacy of women's movement demands inside the state (Lovenduski 2005). Most of these definitions, while important and relevant, miss important dimensions of the nationalist state feminist projects that emerged as part of broader state-building projects in postcolonial states.

As Rai and others (2003) show in a study of women's policy agencies conducted for the UN, some factors that help agencies achieve real change in the developing countries were not important in Western countries.[18] This includes, for example, state capacity, the nature of civil society, availability of resources, and the existence of stable democracy (Rai 2003:38). Similarly, Valiente (2007) identified the deep differences between the contexts in Western postindustrial democracies and other parts of the world, including the different ways state and society interrelate, the role of nationalist women's machineries, and the type of women's rights movements that are active in different contexts. Along the same vein, this manuscript argues that

[18] Rai, S. (Ed.).2003. *Mainstreaming Gender, Democratizing the State: Institutional Mechanisms for the Advancement of Women.* Manchester: Manchester University Press.

the effects of different projects of state feminism are neither self-evident nor as direct or as obvious as we think.[19] This is even more so when it comes to third world states.

One such theme in most nationalist projects of state feminism, especially in postcolonial states, is the often-troubled relation between the state and independent feminist movements. In describing state feminism in the Middle East, Brand (1998) defines it as:

> Policies directed from (as well as generally formulated at) the state leadership level, which aim at mobilizing or channeling women's (re) productive capabilities and co-opting them into support for the state through such programs as raising literacy, increasing access to the labor market, establishing state-sponsored women's organizations, generally along the lines of the single party model (Brand 1998:10).[20]

The mobilizing power of state feminism, as well as its attempts to co-opt women's productive capabilities into national policies has been the focus of scholarly studies of state feminism (Mcbride and Mazur 2010; Mcbride and Mazur 1995). Critical accounts of this relationship examined diverse areas of women's political activities including strategic bargaining over women's rights within state institutions as well as opposition and struggle against it in industrialized western democracies (Mcbride and Mazur 1995). There is, however, a dearth of studies on the demonstrable effects of national polices and states' national women machineries on women's rights in postcolonial settings, where the effects of nationalist projects of state feminism differ in both scope and nature.

Expanding on the work of several scholars who studied projects of state feminism in the

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[19] So far, there has not been systematic comparative studies of state feminism outside western industrialized countries. There are numerous individual case studies in a broad range of national contexts, some of which provide a great deal of detail, but there is little effort to analyze trends across countries or regions. Rai's (2003) is one of the few studies that examine state feminism across more than one region. At the same time, analysts suggest that there is a similar diversity of structures and effectiveness that may have less to do with specific national or regional contexts than with levels of economic or political development. For example, in authoritarian systems women's policy agencies tend to have few links to women's movements and are highly symbolic, being used by the ruling regime to legitimate power (Robinson 1997; Zheng 2005). This manuscript contributes to this literature through providing a comparative study of the historical projects of state feminism in two states in the Middle East.

[20] Brand, Laurie. 1998. *Women, The State, and Political Liberalization*. New York: Columbia University Press.

third world (Hatem 2000; Rai 2003; Manning 2006), I understand state feminism, not just as a series of policies or written laws, but as a set of constitutive discourses, legal measures, and state-building programs that target women as subjects of the state. This broader definition allows for a deeper understanding of the lasting effects of historical projects of state feminism in third world countries as it captures the indirect and, sometimes, unintended consequences of those projects on how women's rights movements situate themselves vis a vis the state.

A large body of scholarly research on feminist engagements with the state starts from the assumption that states are inherently masculine structures (Brush 2003; Orloff 1996; Waylen 2007). Underlying this is the assumption that states will not typically adopt feminist changes without pressure from organized groups of women (Gelb and Hart 1999; Seidman 1999). In the context of these scholarly debates, opportunity structures are defined as allowing feminists to be "in-state" (Kantola 2006), meaning that feminist activists see the state as an arena for their activities, and see themselves as shaping the state's discourses and policies on gender. [21] Conversely, feminists are seen to be "out-of-state" if an autonomous movement exists and if feminist discourses were marginalized in state institutions. In the feminists "out-of-state" model, feminists engage the state in an intermittent manner, rarely developing long-term coalitions with state actors.

In the context of this research project, post-revolutionary Tunisia would, according to this model, be closer to the "in-state" model. In this model, feminist activists openly engage the state

[21] In her book, *Feminists Theorize the State*, Johanna Kantola develops two models to theorize feminist engagements with the state. Comparing Britain and Finland, Kantola argues that while British feminists adopted a more radical view that sees the state as inherently patriarchal and imperious and thus opted to stay out of the state, Finnish feminists adopted a friendlier discourse towards the welfare women's friendly state and strategically chose to engage the state as an arena for improving gender outcomes. For more details, see Kantola. Johanaa. 2006. *Feminists Theorize the State*. London: Palgrave Macmillan.

and work within its political and legal frameworks, even as they challenge some of its hegemonic policies. However, this model, as well as other theoretical models that analyze feminist engagements with the state, rarely capture the effects of projects of state feminism, and especially their ability “to validate certain subjects and provide the very condition of their existence and the trajectory of their actions” (Borgerson 2005:12). Since most theoretical frameworks that conceptualize the gendered effects of state institutions were developed in the context of explaining mobilization within advanced democratic contexts, they rarely capture the dynamics of mobilization for women’s rights third world contexts. As a number of scholars who study the state in the third world often point out, some of those theoretical frameworks are not necessarily relevant in third world states where political and legal institutions are themselves gendered in specific ways that further the political agendas of state elites historically (Charrad 2001; Manning 2006).

This manuscript is influenced by similar concerns. One of the pitfalls of debates about recent developments following the Arab spring is the failure to historicize both women’s rights activism as well as women’s wider political participation in the Middle East and North Africa (MENA) region. There exists a long history of women’s involvement in political life and civil society in many countries of the region, particularly Egypt and Tunisia. This study fills this gap through providing a detailed genealogy of the historical projects of state feminism in Egypt and Tunisia and how those projects influenced the ability of the women’s rights movement to mobilize, as well as the outcomes of feminist mobilization.

Such an attempt to study comparative historical projects of state feminism in Egypt and Tunisia is also deeply influenced by theories of state formation and state building in the third world that eschew the statist literature positing the power and autonomy of states. Instead, Migdal (2001) suggests that the study of domination and change requires an examination of

multiple sites of political struggle and of the coalitions-spanning state and societal actors that form around them.[22] Migdal's conception of the state carries methodological implications for comparative research such as the one attempted here. Historical projects of state feminism in Egypt and Tunisia, as well as the movements and actors that try to influence them, are not entirely separate. Practices at the periphery of the state play a far more important role than previously theorized, and struggles among state and societal forces can transform their respective goals, leading to unintended outcomes. This study is deeply influenced by this view of state-society relations that goes beyond linear outcomes, as it traces the subjective and indirect effects of state policies and discourses on individuals and movements.

State Laws as Master Narratives: On Subject-formation

The effects of the state also go beyond its direct policies, laws, or programs. Several feminist scholars point to the diverse and often contradictory effects of the state. While repressive state laws could inhibit feminist mobilization, the institutional and discursive manifestations of state power, whether law, welfare policies, or courts and police, could have different effects on women's subjectivities and could encourage different types of resistance. Wendy Brown (1992), who issued a warning against treating the state as one single actor, expressed similar sentiments:

> Insofar as "the state" is not an entity or unity, it does not harbor and deploy only one kind of political power or, to start the story a bit earlier, political power does not come in only one variety. Any attempt to reduce or define power as such and political thinkers from Machiavelli to Morgenthau to MacKinnon have regularly made such attempts, obscures for example, that social workers, the Pentagon, and the police are not merely different faces of the state in an indigent woman's life, but also various types of power. Each works differently as power, produces different effects, engenders various types of possible resistance, and requires a different analytical frame; at the same time, each emerges and operates in particular historical, political, and economic relation with the others and thus also demands an analysis which can non- reductively capture this relation. (Brown: 1992:13). [23]

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[22] Midgal, Joel. 2001. *State in Society: Studying How States and Societies Transform and Constitute One Another.* New York: Cambridge University Press.

[23] Brown, Wendy. 1992. "Finding the Man in The State".*Feminist Studies* 18 (1): 47:81.

Along similar lines, I argue here that conceptualizing the state as this all powerful hegemonic presence risks underestimating the agency of actors and marginalizing the constitutive effects of state laws and how they shape the consciousness of non-state actors (Ewick and Silbey 1998; Olick 2003; Marshall and Barclay 2003). Rather than viewing state laws and policies solely as tools or instruments of social and political control, this manuscript conceptualizes state laws, policies, and discourses as **master narratives** that affect how non-state actors mobilize and frame their demands for change in the context of social and political (Pedriana 2006). The historical parameters of state feminism in Tunisia and Egypt produced specific legacies and different sets of rules. Those, in turn, included distinct sets of discursive frames that dominate public debates around gender in each case, as well as several institutional arrangements and constraints that determine the political opportunity structures in which women's rights activists operate (Polletta 2000; Pedriana 2006).

In addition, this manuscript details the different levels through which law constructs subjects and how subjects struggle to deploy and even recast state law in new ways. This process of negotiating self-identities and of framing a shared common narrative occurred in Tunisia. There the historical project of state feminism enabled a small group of women's rights activists to launch a successful campaign that increased the scope of women's rights, despite intense political polarization at the time that threatened to halt Tunisia's process of democratic transition. In Egypt, on the contrary, a similar master narrative did not exist, consequently women's rights activists could not make broad appeals to a similar shared nationalist legacy of rights. As this research project shows, the historical project of state feminism had far-reaching

consequences on the ways movements could mobilize for women's rights in the two contexts, as well as on the consequences of such mobilization.

One level of inquiry in this study concerns the often-neglected element of subject formation, especially the multiple identities that activists acquired because of their involvement in politics writ large. By subject formation, I mean the complex and contradictory ways in which hegemonic state projects influenced how women's rights activists see themselves as rights-bearing citizens and political activists. The dynamics and processes of subject-making and identity formation had been an important topic of inquiry in feminist critical theory and critical legal theory. Insights from this literature show that subjectivity is often varied and heterogeneous. In the word of Hafez (2011) who studied the subjectivity of women activists in an Islamic charity movement in Egypt:

> Subject- making cannot be understood as a continuous process within a single paradigm. Whether inculcated through social and cultural processes or cultivated through self-directed or embodied practices, subject making should be considered as deeply embedded in wider, complex, and imbricated social and historical processes (Hafez 2011: 5).[24]

Hegemonic state discourses and their influence on the subjectivity of actors are, in turn, closely related to the concept of *agency*. Scholarly attempts to locate and explain the agency of social and political actors often tend to adopt one of three methodological approaches: cultural, rights-based, or discursive. Cultural approaches locate agency in the form of non-state actors striving or laboring, either publicly or by "hidden transcripts," to keep the modern state at bay (Scott 1990). This approach focuses on how non-state actors draw on or revive cultural norms and practices to maintain community integrity. One of the strengths of this perspective is that it attempts to locate agency through analyzing how non-state actors could challenge seemingly sovereign state projects.

[24] Hafez, Sherine. 2011. *An Islam of Her Own: Reconsidering Religion and Secularism in Women's Islamic Movements*. New York: New York University Press.

On the other hand, a weakness of the above approach lies in its emphasis on a specific cultural essence, one that is fixed and unchanging, especially Islam. Such a monolithic vision of Islam and Islamic culture is especially a problem in most recent studies on women rights in the Middle East as they tend to focus on how Islam, as a key cultural factor in Muslim-majority countries, affects how the subjectivity of women is formed, excluding the larger context that affect subject-formation among participants in women's movements, whether Islamic or secular (Mahmoud 2005; Deeb 2006; Mclarney 2015).

Centering on the narratives of women's rights activists from different shades of the political spectrum in Egypt and Tunisia, this manuscript critically examines the assumption that subjectivities are uniform and fixed cultural constructions. Instead, I attempt to chronicle the myriad ways in which the processes of post-colonial nation-state building and the subsequent historical projects of state feminism that these processes created have influenced the subject positions that women participating in the movements assumed at critical historical moments.

In addition, this study develops a right-based approach that focuses on the processes through which actors develop rights-consciousness and how rights-consciousness influences their interactions with state institutions. One related body of literature in law and society scholarship explores the relationship between state law and social movements (McCann 2006; Barclay, Jones, and Marshall 2011;Chua 2012). Work in this area generally focuses on legal mobilization, including, but not limited to, litigation as a social movement tactic to achieve tangible economic and social benefits for challengers or other traditionally disadvantaged groups. Law and society scholars often emphasize the normative, indeterminate, and pluralistic nature of law as a constitutive element of social, political, and cultural life. Using interpretive methods to analyze where and how law matters, legal mobilization scholars study law's effects beyond the process of

litigation, focusing instead on how encounters with the law shape the consciousness and subjectivities of individual citizens/litigants (Zemens 1983; Merry 2000) and on how legal norms and practices act as resources for social movements and right-based campaigns (McCann 1994; Merry 2006; Chua 2012).[25]

In a similar vein, this manuscript analyzes the constitutive effects of hegemonic state laws and narratives in several different sites in which women's rights activists mobilized to expand the scope of women's rights. The legal mobilization literature provides important lenses into the workings of state and its institutions, and the parallel development of various forms of rights consciousness (Merry 2000; McCann 1994). Legal mobilization literature suggests that understanding processes of subject formation and the shifts in actor's consciousness and identities with regards to hegemonic state laws and practices provides a vital missing link to understanding how actors negotiate state rules in ways that lead to structural transformations in institutionalized relations of power. Such a process is often complex and requires a combination of a historical-institutionalist approach and an interpretive treatment of the processes through which individuals and movements identify with or against state laws and how they express this identification, if at all. Moreover, and more relevant to the topic of this research, it requires an understanding of two contradictory effects of state law: how it can provide right-based

[25] Legal mobilization refers to the body of scholarship that develops an interpretive approach to studying law and social change. In contrast to positivist approaches to studying the effect of law on social movements and how and why do encounters with formal legal institutions shape legal consciousness. Most importantly, legal mobilization scholars emphasize the ideological and cultural power of law as a discursive and practical force that structures social relations and shapes citizen's preferences through their interaction with formal and informal legal institutions. Scholars working in this tradition often emphasize the normative, indeterminate and pluralistic nature of law as a constitutive element of social, political and cultural life. Using interpretive methods to where and how law matters, legal mobilization scholars study law's effects beyond the process of litigation, focusing instead of how encounters with the law shape the consciousness and subjectivities of individual citizens/litigants (Zemens 1983; Merry 2006) and on how legal norms and practices act as a resource for social movements and right-based campaigns (McCann 1994; Merry 2006; Chua 2012).

movements with institutional and discursive tools, but can represent, simultaneously, the source of legitimate violence. In the words of Sally Engle Merry (2000):

> Law stands at the cusp of these two approaches to understanding the colonial and postcolonial. It is both a system of meaning and an institutional structure backed by the political power of the state. Law defines persons and relationships, which create, if they do not already reflect, popular consciousness. Thus, law plays a critical cultural role in defining meanings and relationships, but it does so in the context of state power and violence. The power of law to transform sociocultural systems is two-sided: it depends both on the direct imposition of sanctions, and on the production of cultural meanings in an authoritative arena (Merry 2000:17).[26]

While this dual function of law is common in all types of states, it is especially relevant in contexts where state agents engaged in systematic acts of gender-based violence. Both the Egyptian and Tunisian states have used gender-based violence as a tool of repression and control.[27] Understanding and theorizing the dual effects of state laws on women in both state lies at the heart of this inquiry. As will be detailed in chapters four and five of this manuscript, the use of gender-based violence as a tool of political and social repression by the two states had far-reaching effects on the ways in which the politics of women's rights played out in both contexts.

Women' Right. Islam, and the Arab Spring:

Finally, this research project speaks to a large body of scholarship on women's rights in the Middle East and North Africa (MENA) region (Tucker 2012; Bier 2011; Kholoussy 2010; Sonbol 2009; Welchman 2007; Abu-Odeh 2004). This literature deals with different topics that include-but are not limited to-Sexual politics in the Middle East (Ghannam 2013; El-Kholy 2002; Hoodfar 1999); early feminist activism in the Middle East (Baron 2005; Badran 1996); the

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[26] Merry, Sally Engle. 2000. *Colonizing Hawaii*. Princeton: Princeton University Press.

[27] Both the Egyptian and Tunisian states have a history of using gender-based violence as part of their repressive state security apparatus. While the specifics are different in each of the two states, control of women's bodies, torture, and the use of sexual violence remains a systematic state policy in both countries. For more details, see chapters two, four, and five of this manuscript.

historical development of family law in the Middle East and its effect on women's rights (Tucker 2012; Sonbol 2009; Welchman 2007; Abu-Odeh 2004),Women's mobilization within Islamic movements and contexts (Mclarney 2015; Hafez 2011; Osanloo 2009; Mahmoud 2005) and the historical experience of women in the colonial and post-colonial era (Hammad 2016; Kozma 2011; Bier 2011; Kholoussy 2010; Lazreg 1994).

Despite the valuable insights of this specific literature and its major influences on this study, it offers limited discussion of the processes and institutions that shape women's rights advocacy and mobilization. In other words, there are few studies of contemporary women's rights movements in the region and how those movements are influencing the political processes currently underway.[28] In addition, while this large body of literature has dealt with state policies and institutions as well as with state actors, there are strikingly few studies that attempt to explore, from a social science perspective, how the state institutions and arrangements influence both the ability to mobilize for women's formal rights and the outcomes of such mobilization. Moreover, there are only a handful of studies that focus on the historical projects of state feminism in the MENA region as important sites in which the postcolonial states sought to create social change.[29]

In addition, as mentioned above, most of the recent studies in the field of Middle East Women's studies tend to focus on Islam as the main explanatory variable for understanding patterns of women's mobilization in the region as well as its outcomes (Maclarney 2015; Deeb

[28] The only notable exception is Nadje Al. Ali's now classic study of the women's rights movement in Egypt: Al-Ali, Nadje. 2000. *Secularism, Gender and the State in the Middle East: The Egyptian Women's Movement*. Cambridge: Cambridge University Press.

[29] For examples of such studies, see: Bier, Laura.2011. *Revolutionary Womanhood: Feminisms, Modernity and the State in Nasser's Egypt.* Stanford: Stanford University Press, and Marzouki, Ilhem.1993. *Le mouvement des femmes en Tunisie au 20eme siecle: Feminisme et Politique* (The Women's Rights Movement in Tunisia in the Twentieth Century: Feminism and Politics) (Collection Enjeux), Paris: Editions Karthalla.

2006; Mahmoud 2005; Kandiyoti 1991).[30] In the words of Deniz Kandiyoti, who also criticizes the focus on Islam as the main cultural and social factor in most of the literature produced on women's rights the region, the focus should be "the construction and reproduction of gender inequalities inherent in the incorporation of national and ethnic collectivities into modern nation-states"(Kandiyoti 1991: 1).

While most recent studies in the growing field of women's studies in the Middle East focus on women's movements that specifically do not view their activism as political or challenging to hegemony of the state (Maclarney 2015; Hafez 2011; Deeb 2006; Mahmoud 2005), but rather as religious or social work, I chose to focus instead on women's rights movements whose activism, actions, and practices challenge state hegemonic discourses on women's rights. Whether they define themselves as feminist actors or not, the subject of this study are women who challenge and redefine the boundaries of the state's hegemonic projects, and in the process, produce new right claims based on new subjectivities. This manuscript argues that those subjectivities challenge the Islamic/Secular binary–which has guided most of the recent research on women's rights in the Middle East (Mclarney 2015; Topal 2011; Mahmoud 2005). Alternately, I chose to focus on different sites in which discourses and practices of women's rights are intentionally politicized in the aftermath of the Arab spring. The logic behind selecting the four ethnographic sites that constitute the different parts of this manuscript was to elucidate the diverse and novel ways in which women's rights activists and movements are reinventing the meaning of women's rights in post-revolutionary Egypt and Tunisia. While gender inequality in the region has gained the

[30] For notable exceptions, see: Zvan Elliott, Katja. 2015. *Modernizing Patriarchy: The Politics of Women's Rights in Morocco*. Austin: University of Texas Press and Hammad, Hanan. 2016. *Industrial Sexuality: Gender, Urbanization, and Social Transformation in Egypt*. Austin: University of Texas Press.

attention of scholars and policy makers alike, few studies have attempted to investigate the internal sources and dynamics of gender inequality, as it is linked to the state's capacity, institutional development, and the ideological power of law. This project aims to fill this gap by analyzing how the meanings and institutional manifestations of law as a historical construct influences the identity formation and course of activism on part of the women's movement. It takes seriously both the intended and unintended consequences of state's laws and policies on the agency of women's rights movements as its point of departure to investigate the innovative ways in which women's rights activists negotiated new rights at precarious political moments.

IV. Fieldwork at "Home": Feminist Research Amid Violence

Multi-sited ethnography: Negotiating Field Sites

This manuscript investigates the dynamics and outcomes of mobilization for women's rights through a detailed comparative analysis of the politics of women's rights in post-revolutionary Egypt and Tunisia and the efforts of the women's rights movements in both contexts to safeguard and reform women's rights. This study is thus both an across-case and a within-case comparison that analyzes mobilization around women's rights in several different research sites in Egypt and Tunisia.[31] Such a methodology allows for a deeper understanding of the underlying causes behind the puzzling and contradictory effects of historical projects of state feminism in both contexts on the patterns and outcomes of women's mobilization following the Arab spring.

[31] For more details on the across -cases and within-cases approaches in qualitative research see: Ayres Karen, Lioness, Kavanaugh, Karen and Knafl, Kathleen. 2003. "Within-Case and Across-Case Approaches to Qualitative Data Analysis". *Qualitative Research*, 13 (6): 3 871-883.

Research for this manuscript was informed by an awareness that processes of historical and social change are incremental and uncertain, rather than linear and/or inevitable. As Sally Engle Merry points out in her tour de force study of the role of the cultural power of law in supporting colonial projects: "Competing cultural logics mesh at certain points and diverge at others, sending trajectories of change into directions often unanticipated or undesired by those instrumental in furthering them" (Merry 2000:259). The fieldwork informing this research project sought to trace evidence of the past in the present, with the awareness that historical state projects, like those of state feminism, often create change in ways that are neither intended, nor fully anticipated by those who designed them. Given the fact that my research sought to understand both the intended and unintended consequences of the historical projects of state feminism on the current episodes of mobilization around women's rights taking place in the two countries, it was thus necessary to immerse myself as fully as possible in the processes and interactions through which new rights claims were being produced and negotiated by the women's rights movements in both Egypt and Tunisia. As a result, I chose to combine a historical institutionalist approach that relies on archival research and secondary data resources with a political ethnography that covered four different research sites in Egypt and Tunisia.

Understanding the historical projects of state feminism as more than a constellation of state policies and as master narratives that influenced the shaping of the subjectivity and identity of actors required the reconstruction of those historical projects from a multitude of archival sources. Thus, the archival component of my research included a collection of political speeches, official policy studies on women conducted by the governments of Tunisia and Egypt, reports by women's rights organizations, and articles from the women's press, spanning the history of the

post-colonial states in Egypt and Tunisia. [32] Archival research allowed me to delve into the constitutive effects of the projects of state feminism in both contexts and to trace its present-day effects on the subject-formation level. The material collected through archival research was used primarily in chapters two and three of this manuscript. In this research, I have utilized local sources of knowledge as much as possible, including the use of Arabic sources as evident in this manuscript's bibliography.

The empirical research for this project was divided into two main phases. The first focused on the political actions of elites around women's rights within formal political processes. The second focused on grassroots mobilization around women's rights in post-revolutionary Egypt and Tunisia as part of informal politics. Fieldwork included participatory observation and 200 semi-structured interviews conducted at several research sites in both countries. These sites included formal political processes, such as the constitutional drafting processes in both countries (2011-2014), the Truth and Dignity Commission for transitional justice in Tunisia (2014-2015), as well as the social movement against gender-based violence in Egypt (2011-2014).

While this research could not be called a classic political ethnography, it is certainly inspired by this qualitative method. My research bears some resemblance to what Marcus (1998) calls "multi-sited ethnography," a term that refers to a study of a phenomenon or set of practices that exists in different spatial and temporal locations that are nonetheless linked in such a way that they constitute one field of knowledge (Bourdieu 1977). The participatory observations and 200-structured interviews that were conducted with movement activists, judges, politicians, academics,

[32] The focus of this research project is the post-independence period in the two countries which spans the period from 1956 in Egypt, and 1959 in Tunisia. However, I discovered important archival material that dates to the colonial period in both countries that I refer to when appropriate. This is especially the case for material about Tunisia's Personal Status Code (PSC) which predates the formal independence of Tunisia as detailed in chapter two of this manuscript.

and journalists in both countries, gave me access to different types of data, enabling me to explore emerging themes that arose among movement activists in both countries.[33] In addition, I examined extensively how the modes and tactics of the women's rights advocates become informed by their understandings of the institutional and ideological manifestations of hegemonic state power. The empirical evidence in this manuscript provides a thick description of the mobilization efforts of movement activists, illustrating the different ways in which projects of state feminism defined and constrained the terms of the debate on women's rights, and the outcomes of those debates.

Challenges in the field: On Positionality And the Ethics of Interviewing

This research project was deeply influenced by a feminist methodology that values the importance of highlighting women's struggles especially in social movements (Taylor 1998). A feminist methodology, however, must go beyond sporadically adding women's voices to historical and political narratives. It should also include three main features: (1) a participatory approach that includes and provides space for the voices and experiences of local women activists; (2) an inclusion of local sources of knowledge that had been marginalized by the power dynamic inherent in the processes of global knowledge production; and (3) the awareness of the researcher's own positionality vis a vis her research subjects and how this impacts the type of knowledge produced (Harding 1987: 13).

Negotiating the research sites required the use of different research methods at different times, including the participatory observation of political meetings, street marches, press

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[33] The method of multi-sited ethnography involves fieldwork across multiple sites, extending the research site in space. It also involves a construction of the field of knowledge through connecting sites through following people, objects, metaphors, stories, etc. What ties together field work locations across space, and sometimes time, is the ethnographer's discovery of traces and clues and her logic of association. For more information of this particular research methodology, see: Byrne David, and Ragin, Charles. 2009.*The Sage Handbook of Case- based Methods.* London: Sage Publications LTD.

conferences, as well as long semi-structured interviews. Researching the process of transitional justice and the mobilization of survivors of state violence in Tunisia and the movement against gender-based violence in Egypt proved to be challenging. There were several methodological and epistemological decisions that I was forced to make in both contexts depending on the broader circumstances. In Tunisia, it was much easier to reach both officials involved in the process of transitional justice and survivors of gender-based violence at the hands of state agents. As a functioning democracy with an ongoing full-fledged process of transitional justice, field work in Tunisia was "deceptively" much easier. I use the term deceptively here, because the situation changed when I began to systematically interview officials and survivors of state-sanctioned violence during my last field trip in early 2017. Many of them, including the commissioners of the Truth and Dignity Commission themselves, reported threats by the security apparatus.

My interview with the Truth and Dignity Commission's gender specialist, which I cite in the beginning of chapter four, helped me understand the level of impunity that state security agents in Tunisia still enjoy, despite the successful democratic transition. This interview, along with subsequent interviews with survivors in Tunisia, were a turning point in my research. The narratives of these women deepened my understanding of the nature of the project of state feminism in Tunisia and the contradictory effects that it produced and forced me to revise some of my earlier assumptions about the relationship between gender justice and democratization.

In addition, a new and heightened level of state surveillance could be felt in Tunisia in early 2017, as many spoke of the return of various forms of human rights violations committed by the police again. The atmosphere of heightened security and surveillance could be felt during the last few months of fieldwork in Tunisia, and it limited, to a large extent, my access to many survivors who were reluctant to speak about their experiences, in fear of retaliation from the

local police and security officials. Since I placed the safety of my research subjects above the need to access data, I compensated by participatory observation: I observed the behind-the-scenes dynamics, and preparation of the public hearings of the Truth and Dignity Commission that began in November 2016. I interviewed some members of the audience attending the hearings and followed the public debates around them closely, both inside and outside Tunisia, to gauge the effects of the hearings on Tunisia's democratic transition, its historiography, and its future. In addition, I relied on the interviews I had previously done with female cadres of Ennahda, who in the course of my interviews with them spoke very frankly and, without my asking, about being sexually assaulted and sometimes raped, during their detention in Ben Ali's prisons. I return to the issue of interviewing survivors of sexual violence in details towards the end of this section.

Juxtaposing the fieldwork data gathered from different research sites helped construct a comprehensive picture of the effects of legacies of state laws and policies on women's rights in the aftermath of massive political upheavals. Multi-sited ethnography, and the variety of data it yielded, helped answer some important methodological questions: where should researchers look for sites in which women's rights are being renegotiated and redefined? Are the margins of formal political processes and campaigns for women's rights that employ bottom-up approaches appropriate areas to investigate? Or should the focus be instead on the experiences of ordinary women with state laws and their effects? Finally, how can such theoretically driven insights about the dynamics of mobilization around women's rights, improve the understanding of the relation among democratic governance, the rule of law, and gender justice in fragile and unstable states? I analyze data gathered from four research sites, and I propose answers to each of these questions in the following chapters of this manuscript, based on such analysis.

Since I am Egyptian, people in Tunisia had questions for me even as I had questions for them. During my early field work in Tunisia in 2012, the individuals I interviewed were eager to talk about both of "our parallel revolutions." I spent substantial chunks of interview time answering questions about Egyptian politics. There was significant interest, not only in comparing the status of women's rights in both countries, but also in comparing the fates of the two revolutions. While these early interviews were marked by relative optimism and a desire to exchange experiences, the latter part of my fieldwork, especially during the longest stretch of my fieldwork in Tunisia (December 2013-July 2014), was increasingly marked by a feeling of "pity" towards me as an Egyptian woman. This was especially the case as news of incidents of mass sexual violence at Egyptian demonstrations was being circulated around the world. At times, during those interviews, I felt that it was "I" who was being "researched" by my interviewees, rather than the other way around.

While I am aware as a researcher of many of the dynamics of power that ethnographers yield over their informants in the context of fieldwork research, my experience as an Egyptian researcher in Tunisia was far more complex. The exchanges that took place in some of those interviews were among the most intellectually stimulating that I have had in my life. To state that I, the researcher, was in position of power is to deny those women their agency and their contribution to this work. Moreover, to pretend that the lines between the researcher and the researched are not often crossed is to deny the interactive nature of fieldwork exchanges. Thus, my fieldwork in Tunisia was often naturally marked by what feminist researchers call reflexivity, or conducting fieldwork as a "dialogical process which is structured by the researcher and the participants" (England 1994: 84).

In Egypt, the challenges were quite different. As a native Egyptian with strong ties to the local women's rights movement, I had to navigate the deeply volatile nature of conducting research on a movement that was operating in the period following the coup d'état in 2013 and that was carrying out basic "rescue operations" during an outbreak of sexual violence in public spaces of protest in the period between January 2013 and August 2013. I was constantly forced to re-evaluate my approach, reassess what kind of data was needed, which methods would be appropriate for answering specific questions, and what would be possible given the security situation in a country that was quickly falling back under the grip of military rule. I was also forced to question my own positionality as a researcher. I strongly felt that I needed to give something back to a movement that not only was I studying, but I was also, through my own past and present involvement, part of.

One early incident during my Egyptian fieldwork deeply influenced my approach and my entire fieldwork experience there. This incident occurred in one of the worst weeks in the history of modern Egypt, the week immediately following the coup d'état on July 3, 2013. As thousands of demonstrators took to the streets to celebrate or oppose the coup, hundreds of women were subjected to sexual assaults, some severe enough to require medical assistance.[34] I was in the middle of conducting an interview with one of the movement activists at the headquarters of an NGO when a woman and her daughter, who was about eight years of age, were brought in after being rescued by a team of volunteers from nearby Tahrir square. The woman was drenched in blood, her clothes were torn and her daughter was screaming nonstop. They had been attacked by tens of men and both had been sexually assaulted. I did my best to calm the child and then left

[34] For more details on these incidents of mass sexual violence see: https://www.amnestyusa.org/files/egyptreport-genderbasedviolenceintahrirsquare_0.pdf . Also see chapter five of this manuscript.

the room quietly to give space for the resident therapist who could help. Not only was I personally traumatized, but I also realized that conducting fieldwork in the middle of ensuing violence was both impossible and unethical. One the one hand, I did not believe it was right to ask the women's rights activists and volunteers who were providing real help to survivors of sexual assaults to leave their important work to talk to me. On the other hand, I did not wish to distress the survivors by having them relive their horrific experiences through recounting them to me.

For a few weeks after this incident, I stopped all fieldwork activities and rushed to help in any way I could. I began drafting press statements for the movement and, later, conducted feminist consciousness raising activities for young women and men in one of Egypt's leading feminist organizations, Narza for Feminist Studies. The images, sights, and sounds of those days have remained with me and probably will forever. Glimpses of what I observed and experienced have made their way into this analysis. Although my decision to become actively involved with the women's movement increased the length of my fieldwork in Egypt, the experience enriched my analysis of the inner dynamics of the movement against gender-based violence and how the tactics of this movement related directly and indirectly to the historical legacies and dynamics of state feminism in Egypt. In many ways, the post-revolutionary Egyptian women's rights movement was the real inspiration behind this research project. The emergence of this movement and its role in Egypt motivated me to try to understand the conditions under which rights movements employ extra-institutional tactics, characteristic of a movement that is autonomous of the state. The tactics of this movement also inspired me to rethink the role that historical legacies of state feminism played in shaping the subjectivities of movement actors during critical political moments.

A final issue deserves attention is my interaction with survivors of violence. I deliberately use the term “survivors” rather than “victims,” since replacing the use of the first term with the second was one of the framing tactics of the movement against gender-based violence in Egypt.[35] Interviewing survivors was not initially part of my fieldwork plan. However, I found myself interviewing survivors unexpectedly. In Tunisia, I deliberately chose not to interview survivors of gender-based violence committed by state agents since I felt that this might place them in danger given the high degree of impunity still enjoyed by the police and the security apparatus in Tunisia. I was surprised when other interviewees, mostly Tunisian female politicians and MP’s of different political parties, spoke frankly during the interviews about their experiences of sexual assault during detention. I had similar experiences in Egypt. Again, I deliberately chose not to interview survivors and instead focused on movement activists, only to realize that many of the movement activists were also survivors. The realization that gender-based violence was such a pervasive aspect of the experience of politically active women and that most of my interviewees experienced it in one form or another was sobering. Nevertheless, it confirmed the importance of studying gender-based violence as a collective form of political and societal violence and not just as the experience of a few unlucky women. Out of the 200 interviews conducted over the course of the field work for this manuscript, about 40 interviewees admitted that they experienced some form of gender-based violence directly connected to their role in public life as politicians or movement activists.

I personally conducted all 200 interviews and, as is best practice, I employed verbal consent procedures at the start of each interview before proceeding to record it. I made every

[35] For more details on the use of the term “survivor” rather than “victim” by the movement against gender-based violence in Egypt, see chapter five of this manuscript.

effort to ensure that my research did not traumatize my interviewees or inconvenience them. My interviews varied greatly in length and style. Some took place in the offices or the homes of interviewees; some took place in cafes. Most were informal and conversational in nature. Almost all the interviews were conducted in Arabic, with only three conducted in French (the interviewees understood my questions posed in Arabic, but preferred to answer in French) and one in English.

A complete list of all the interviews can be found in the Appendix. To clearly reference my interviews in the manuscript and to protect the identity of each interviewee, I assigned a first name pseudonym to every individual. In some cases, I conducted more than one interview with the same individual. Each interview is listed separately in the appendix and the same pseudonym is used throughout the text so it is clear when an interviewee was consulted more than once. To avoid breaking the flow of the text, whenever I quote an interviewee directly or invoke her ideas in the text, I simply refer to her by the first name pseudonym I assigned the individual. Appendix A also specifies the date, the country, the institutional/ movement affiliation of the interviewee, the venue of the interview, and the language in which the interview was conducted. Where I quote the words of my interviewees in the text, I use my own direct translations of their words from Arabic (or French) to English.

VI. Chapters Outline

In the Shadow of the State: Gender Contestation and Legal Mobilization in the Context of the Arab Spring in Egypt and Tunisia investigates the ways new actors with new identities emerged in the framework of the Arab spring, creating new forms of feminist mobilization in Tunisia and Egypt. It also critically questions feminist engagement with the state in contexts where the state is

a primary violator of women's rights, especially during political transitions. Despite the importance of analyzing how the norms and rules governing political institutions are gendered, there is little empirical contextualized scholarship in the growing scholarly field of gender and politics that details how this occurs within formal and informal political arenas that may have different and sometimes contradictory outcomes for women. This project does so through highlighting the influences of both top-down and bottom-up episodes of contestation around women's rights on macro political processes and how the distinct historical projects of state feminism in both Egypt and Tunisia enabled particular ways of mobilization for women's rights and deterred others.

The manuscript thus proceeds in four parts. Chapter two provides an overview of the two cases, developing an historical genealogy of women's rights in Egypt and Tunisia before the Arab spring. It highlights the relevant national legal and policy frameworks in the two countries. Furthermore, the chapter analyzes the internal contradictions that characterize projects of state feminism in both contexts through a critical feminist historical account of their national policy platforms. It illustrates how the two historical projects of state feminism diverged, creating intentional and unintentional outcomes that would later have major consequences for women's rights mobilization in the post-revolutionary period. Tunisia's project of *"strong state feminism"* enabled women's rights activists to better negotiate and mobilize for new rights for women through making appeals to a common shared postcolonial legacy of rights. Egypt's *"weak state paternalism,"* on the other hand, made it difficult for the growing women's rights mass movement that emerged after the January 25 revolution to make any significant formal gains for women. Both the intended and unintended consequences of those historical projects of state feminism are further explored in detail in the remaining chapters of the manuscript.

Chapter two provides a backdrop and a theoretical basis for the rest of the analysis in this manuscript. Chapter three analyzes the constitutional drafting process in both Tunisia and Egypt to analyze the ways in which feminist activists negotiated within and against institutional arrangements. The chapter argues that women's movements used past legacies of state feminism to push forward demands for stronger constitutional guarantees to increase the scope of women's rights. It adopts an actor-based interpretive approach that analyzes how feminist political actors defined their engagement with the state and how hegemonic state discourses shaped how they saw themselves as actors. In the first part of chapter, I focus on the post-revolutionary constitutional drafting process in Tunisia, specifically the mobilization around Article 46 of the 2014 Tunisian constitution, which guaranteed electoral parity between men and women at all levels of elected councils. The analysis shows that it is often the multiple identities that women develop because of their involvement in politics, as new forms of subject formation, that act as critical symbolic resources in rights-based political campaigns. The second part of the chapter focuses on the parallel constitutional drafting process in Egypt. The 2013 military coup in Egypt and the intense political polarization that followed it, ironically, provided women's rights advocates with limited openings that some were quick to make use of to negotiate for more rights for women. However, the failure to push forward substantive rights for women resulted from the more ambiguous nature of state feminism as a historical and political project in Egypt. This ambiguity limited the actors' abilities to make strategic use of shared past legacies of women's rights to negotiate new substantive rights for women.

Chapter four moves away from formal political process to investigate the limitations and challenges inherent in the mobilization efforts around gender-based violence in Tunisia. It focuses on the grassroots efforts to mobilize for gender justice during the process of transitional

justice for victims of state violence in post-revolutionary Tunisia. Tunisia's process of transitional justice created an opportunity to construct new narratives of women's rights in Tunisia. The chapter argues that this made it significantly more difficult to hold the state accountable for its violations, primarily because the hegemonic state narratives of women's rights became central to the legal and political process of transitional justice. Tunisia's democratic transition exposed the extent of the state's historical use of gender-based violence for political motives and in this regard, Tunisia looks like many of its neighboring countries; Tunisia remains a place where politically and socially motivated cultures of sexual abuse interact, influencing formal political processes and raising important questions about the limits of formal politics and processes of transitional justice in achieving gender justice

Finally, Chapter five analyzes the grassroots movement against gender-based violence in Egypt. Women's rights activists in Egypt could not construct claims similar to those of their Tunisian counterparts, ones that were based on a common historical project of state feminism. Still, the movement against gender-based violence advanced radical claims that fit into broader political struggles against hegemonic state authority. In other words, developing a framing narrative, based on a common past, enabled women's rights activists in Tunisia to advance formal constitutional rights for women. At the same time, the grassroots movements were unable to hold the state accountable for its violations against women. The opposite happened in Egypt, where a mass movement against gender-based violence was able to challenge the state's hegemonic discourses and hold state agents accountable for committing violations within a much more repressive political context. The results from the Egyptian case show that outcomes of mobilization could not be measured in linear, direct ways. A concluding chapter six summarizes

the research's main findings and its policy implications. It also assesses the generalizability of the research results and their relevance to other cases beyond the Middle East.

CHAPTER TWO

A GENEALOGY OF WOMEN'S RIGHTS IN EGYPT AND TUNISIA: STRONG STATE FEMINISM VERSUS WEAK STATE PATERNALISM

Introduction:

On March 8, 2011, less than a month after the ouster of Egypt's long-term president Mubarak, about a hundred young Egyptian women took to the streets to celebrate International Women's Day, in response to a call that was sent out on Facebook. During that period, demonstrations by various groups were being organized regularly in celebration of a new political environment in which Egyptians exercised their right to protest.[36] Despite the relative atmosphere of freedom that was prevalent at the time, the demonstration was met with public hostility. The women protesters were shouted at and harassed by groups of men who gathered around them. The marchers quickly dispersed.[37]

This small but significant event marked the beginning of a period where mobilization for women's rights in Egypt would take new shapes and follow different patterns that depart from former modes of organizing for women's rights. While mobilization around women's rights before 2011 tended to express itself mostly in the form of non-governmental organizations and a small number of feminist groups that worked on issues like reforming the

[36] This window of freedom would soon prove to be quite short. The right to public assembly have been severely curtailed following the coup in July 2013. Soon after the coup, the government introduced a new anti-protest law, Law 107/2013. The new law requires a three days' notification before protesting; in addition, the Interior Ministry was granted the legal right to cancel, postpone or move the protest if it determines that protesters will commit any breach of the law or public order. For more details on Law 107/2013, see the following commentary by the Egyptian initiative for personal rights (EIPR): https://eipr.org/en/press/2014/09/comment-protest-law-eipr-demands-immediate-repeal-law-and-urges-courts-refrain

[37] For more on this incident, see: https://www.theguardian.com/world/2011/mar/08/rival-protesters-clash-women-tahrir

personal status code (PSC), providing legal and economic aid to women, and campaigning reproductive health rights, the period following the 2011 revolution would witness an unprecedented episode of mass mobilization for women's rights that took the form of "street politics."[38] Three year later, not only did this mobilization gain more ground in the context of Egypt's post-revolutionary politics and challenge societal norms about gender dynamics in the public sphere, but it also presented a direct challenge to the historical parameters of state feminism, or the role of the state in the field of women's rights in Egypt. By mobilizing outside of the institutionalized framework of formal politics, this movement challenged the historical role of state feminism in Egypt in shaping both the practices and discourses of women's rights.

To fully understand this shift, one needs to understand the full parameters and limits of this historical project, what it represented, and the ways in which it influenced the patterns of women's mobilization in the post Arab spring. To illustrate these effects, a comparative perspective is helpful. On the same day, March 8, 2011, Tunisian women's rights activists were also marching in the streets to celebrate International Women's day. However, Tunisian women were not harassed or attacked.[39] More importantly, they were also gaining more access to the formal political process unfolding in their country, whether in the drafting of the new constitution or running as candidates for parliamentary and local elections. The easy

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[38] I borrow the term "Street Politics" from political sociologist Asef Bayat's famous book on new forms of youth mobilization in the broader Middle East. Contrary to Bayat though, who envisions those new forms of mobilization as inherently non-political but politically significant, I conceive of the new wave of mobilization for women's rights in Egypt and Tunisia as inherently political movements. For more elaboration on the term, see Bayat, Asef. 1997. *Street Politics: Poor People's Movements in Iran*. New York: Columbia University Press, and *Life as Politics: How Ordinary People Change the Middle East*. 2009. Stanford University Press.

[39] For more details on International women's day celebration in Tunisia, see: "IFEX-TMG members celebrate International Women's Day with brave women of Tunisia" by IFEX Tunisia Monitoring Group at: https://www.ifex.org/tunisia/2011/03/08/brave_women/

access of women's rights activists and female politicians to the formal political processes in Tunisia stood in stark contrast to the inability of women's rights activists and female politicians to do the same in Egypt. Moreover, the violence and hostility that women's rights activists in Egypt were often met with when they did organize marches like the one mentioned above, illustrates the significance of historical and nationalist legacies of women's rights on public perceptions and subsequently on the ability of the women's rights movements to mobilize for new rights within the context of their nationalist politics.

This chapter provides an overview of the historical roots of the nationalist projects of state feminism in Egypt and Tunisia. It explains the political significance of relevant national legal and policy frameworks in the two countries and evaluates how and why elites in both countries have adopted those nationalist policies, legislation, and discourses that together comprise what this project refers to as the historical legacies of state feminism. How do the gendered political orders put into place with the establishment of the postcolonial states changes as those new emerging states respond to rising social and political forces, including the women's rights movements? How has the historical framing of "the women's question", a term used by the Indian historian Partha Chaterjee,[40] limited or enabled the rights claims that emerged later from the women's rights movements? This chapter analyzes these questions through a historical overview of each country's relevant legal instruments and national policy frameworks. Chatterjee defines the term the women's question as "the public debates, intellectual exchanges, and reform projects related to the status of women in postcolonial states that the rising middle class proposed as part of their nationalist projects"

[40] For more details on this term, see Chatterjee, Partha.1993.*The Nation and Its Fragments: colonial and postcolonial histories*. Princeton, N.J: Princeton University Press.

(Chatterjee 1993: 56). U examines how and why legislative and executive elites in Egypt and Tunisia adopted different models of gender policies and the logics behind those policies. Furthermore, it demonstrates the different outcomes of the state's gender policies in each case.

Focusing on the various policies, legislations, and discursive traditions of the postcolonial states in Egypt and Tunisia, this chapter situates the political contestations around gender in the context of the Arab spring in both countries within a historical-institutionalist analysis of state's policies, laws, and discourses. Like many third world newly emerging states, the projects of state feminism in both countries made claims about the recognition of women as full-fledged citizens, with new rights that entailed the dismantling of old patriarchal structures, and "creating new gender subjectivities that could be mobilized in the service of the new state" (Bier 2011:2).[41]

This chapter argues that these nationalist projects took drastically different shapes in Tunisia and Egypt, and thus significantly influenced the prospects, patterns, and outcomes for later episodes of women's mobilization in both countries. Tunisia's ambitious top-down nationalist project of state feminism created a closed political opportunity structure and restricted the emergence of independent forms of mobilization for women's rights throughout most of the history of the postcolonial state. It had powerful radiating effects on both the discourses and practices of women's rights in the postcolonial period. More importantly, it had a constitutive effect on the identity of women's rights activists who often saw themselves as an extension of the state's project of state feminism. This does not mean that the women's

[41] Bier, Laura.2011. *Revolutionary Womanhood: Feminisms, Modernity and the State in Nasser's Egypt*. Stanford: Stanford University Press.

rights movement that emerged in Tunisia starting from the late 1980's did not see its role as subversive sometimes and that it did not contest the state's policies in some key areas like gender-based violence.

Section II provides an overview of the historical project of state feminism in Tunisia. I focus here on four main dimensions of this project: (1) The role and motivations of the state-building elites in constructing those nationalist projects; (2) Laws organizing gender relations as the authoritative tool of the state; (3) state institutions that carried out those projects and their organizing logics and contradictions, and finally (4) a brief history of the local women's rights movement and how it bargained with, adapted to, and subverted those laws and policies. In Tunisia, a relatively new movement that started in the 1980's often saw its role as complementary to that of a state that was very much pro-women, despite the uneasy relationship that this movement had with the state, especially during the Ben Ali years. This historical pattern had important consequences following the Jasmine revolution, as the women's rights movement was able to creatively reframe those historical legacies and to push forward new right claims based on this common shared legacy of rights. This section thus provides a detailed analysis of the historical project of state feminism in Tunisia.

Section III outlines the main dimensions of postcolonial Egypt's project of state feminism. This section analyzes the four dimensions of state feminism, motivations of the state-building elites, the laws organizing gender relations, the state institutions that carried out those projects, and the history of the local women's rights. It demonstrates how the Egyptian postcolonial state's ambiguous and ineffective nationalist polices when it comes to women's rights, policies that I term here "weak paternalism", did not provide the women's rights movement with any legal or political tools to contest local patriarchal structures of

power. In many ways, the history of the women's rights movement in Egypt was that of resisting co-option by a state that neither provided effective state platforms or institutional frameworks that promoted women's rights, nor allowed the women's rights movements access to those weak platforms, when they did exist. While Egypt had a vibrant and relatively independent women's rights movement that witnessed a resurgence in the years following the January 25 revolution, that movement, unlike its Tunisian counterpart, mobilized against the state's laws, and won legal reforms that were nevertheless, piecemeal and difficult to enforce.

Section IV, the conclusion, analyzes the consequences of those two different models of state feminism and situates this historical analysis within the politics of women's rights in both countries in the context of the Arab spring. The analysis shows how the lack of a strong legacy of state feminism throughout the history of the postcolonial state in Egypt meant that the women's rights movement had little leverage to use to push forward its rights claims within the formal institutional framework of post-revolutionary politics. In Tunisia, on the contrary, the women's rights movements made creative use of those historical legacies and their institutional and discursive frames to push forward new rights for women. A brief conclusion at the end of this section summarizes the main points of the chapter and illustrates the key ways in which legacies of state feminism in both countries extended beyond its direct political and legal influence.

II. Tunisia's Hegemonic State Feminism: Strong State, Weak Movement

1) Early Roots of Tunisia's Feminist State

State feminism in Tunisia was unique among the states of the region. In many ways, the role of the state in the field of women's rights is not only an important dimension of the history of postcolonial Tunisia, but it is the postcolonial state's most ambitious project yet,

and the most successful. No discussion of modern Tunisia, and certainly none that is concerned with the state's relationship with women, can be complete without a discussion of Tunisia's first president, Habib Bourguiba. At once the architect of the Tunisian post-colonial state and its undisputed leader for more than thirty years, Bourguiba embarked upon an ambitious project of social engineering that required in the words of Brand (1998), "careful control and management over the state's institutions to preempt opposition from below" (Brand 1998: 177).[42]

But while the role of the cult personality of Bourguiba as the national liberator of women has been thoroughly analyzed inside and outside Tunisia [43], a genealogy of the historical project of state feminism in Tunisia, points to the fact that major reforms in the field of women's rights are, in fact, the product of an ambitious project of social engineering that required the effort of hundreds of men and women that constituted Tunisia's postcolonial political elite. While Bourguiba often gets most of the credit for the project of women's emancipation in post-independence Tunisia, a careful reading of the development of the postcolonial state institutions illustrates the efforts of an entire cadre of French educated state elites, both men and women, who designed and implemented some of the most important legal and political dimensions of this project. Thus, the project of state feminism in Tunisia needs to be studied as such: an attempt by a group of modernizing elites who emerging from

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[42] Brand, Laurie. 1998. *Women, the State, and Political Liberalization: Middle Eastern and North African Experience.* New York: Columbia University Press.

[43] For detailed accounts of the role of Bourguiba in advancing women's rights in Tunisia, see: Brand, Laurie. 1998. *Women, the State, and Political Liberalization: Middle Eastern and North African Experience.* New York: Columbia University Press, Marzouki, Ilhem.1993. *Le mouvement des femmes en Tunisie au XXeme siecle: Feminisme Et Politique (*The Tunisian Women's Rights Movement in the Twentieth Century: Feminism and Politics) Tunis: Cérès Production, Cesari, Jocelyne and Casanova, Jose. 2017. *Islam, Gender, and Democracy in Comparative Perspective*. Oxford: Oxford University Press.

the colonial period saw the new state as an experiment in social engineering where the status of women came to serve as an important ideological and political mark of the strength of the state institutions.

Despite the extensive literature on the role of Bourguiba and his radical reforms when it comes to women's rights in Tunisia, there is very little published work in English on the role of an entire cohort of postcolonial political elites when it comes to reforming women's rights. Moreover, there is little written about the pre-independence roots of many of Tunisia's post-colonial reforms in the field of women's rights, especially when it comes to the laying the discursive and ideational roots of Tunisia's strong state feminism.

Tunisia's early attempts at modernization started during the rule of Bey Ahmed (1837-1855) who encouraged Muslim scholars to introduce significant social reforms, including improving the status of women. The "women's question" was debated widely in nineteenth century Tunisia. This was a direct reaction to several challenges that the precolonial polity in Tunisia faced including the growing influence of European powers. Ahmed Ibn Abi l-Diyaf, who was private secretary to Ahmed Bey, wrote a treatise on the position of women in Muslim societies, entitled Risala fi l'Mar'a (Treatise on Women) whose main motivation was to answer "twenty-three questions that were put to him by the then French consul-general in Tunis" (Husni and Newman 2007: 8).[44] Those questions covered topics such as the equality between men and women in Islam, women's education, polygamy, and child marriage. Shortly after, another notable scholar and a graduate of Al-

[44] Husni, Ronak and Newman, Daniel. 2007. *Muslim Women in Law and Society*. New York: Routledge Press.

Zaytouna mosque and university, Muhammed al- Sanusi (1851-1900), also wrote several articles on women's rights in Islam.[45]

But the most prominent thinker whose writings on women would have a lasting influence on Tunisia's state feminism was Al-Taher Al- Haddad (1899-1935). Al-Haddad was a scholar of Islamic law at Al- Zaytouna, a trade unionist, and a member of the Tunisian nationalist movement from the early 1920's. In 1930, Al Haddad wrote a groundbreaking treatise on the conditions of women in Tunisia entitled *"Our Woman in the Shari'a and in Society."* At the center of Al-Haddad's thought was the principle that various religious texts and rulings must be interpreted differently from the way religious scholars had done throughout the history of Islam. Focusing specifically on women's rights in Islam, Al-Haddad debunks what he regards as misconceptions in several areas including the veil, polygamy, the age of marriage, men's unilateral right to divorce, polygamy, and the rules governing inheritance. He stresses what he refers to as the "dynamic nature of Islam, and its ability to adapt to changing conditions" (Husni and Newman 2007: 24).[46] Unlike the other reformers who wrote before him, Al-Haddad was not only more progressive but he was also a fierce labor unionist whose vision was firmly rooted in the realities of working class Tunisians. His book thus represented a scathing critique on the conditions of all Tunisian

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[45] Al-Zaytouna was the main Islamic center of learning and University medieval Tunisia, and is currently the biggest mosque in the capital Tunis. Al-Zaytouna was a major Sunni Islamic institution of learning since the seventh century A.D and up until the middle of the twentieth century. It was a strong hold of religious scholarship and of traditional the landed elite. Following Tunisia's independence in 1956, the postcolonial state undertook several measures to curb the political power of Al-Zaytouna as part of its attempts defeat the conservative factions of society and implement an ambitious state-building modernization projects. Those measures included the abolition of the *habus*, or landed property given as religious donation, and the unification of the justice system which included the abolition of all religious courts including those that applied different schools of Islamic law.

[46] Translations of the Arabic text of *Our woman in the Shari'a and in Society* are quoted from: Husni, Ronak and Newman, Daniel. 2007. *Muslim Women in Law and Society*. New York: Routledge Press.

women of all classes. This would later turn to be an important point that made Al-Haddad's reformist ideas occupy a central place in the project designed by the Tunisia's postcolonial state elites.

Because of the progressive nature of Al-Haddad's ideas, he faced the wrath of the religious establishment following the publication of his book. He was dismissed from his position as Al-Zaytouna scholar and teacher, and accused him of blasphemy, and of inciting social unrest in Tunisia. Al-Haddad book was banned and he spent the rest of his days in isolation and depression, and he died an early death at 36 years of age. Consequently, Al-Haddad's book was the reformist text of the colonial era that would later influence the drafting of the Personal Status Code (PSC). Among the few supporters of Al-Haddad in the early 1930s was a young nationalist, Al-Habib Bourguiba, who would later cite Al-Haddad's book as a direct influence on the 1956 PSC.[47] It is interesting to note here that Bourguiba himself was not, according to historical sources, an ardent defender of women's rights during the war of independence against the French. On the contrary, according to the Tunisian feminist scholar Ilhem Marzouki, Bourguiba severely attacked several early Tunisian women's rights activists who in the 1920's decided to give public speeches without donning a veil (Marzouki 1993). Moreover, in an infamous incident before independence, Bourguiba wrote an article in 1929, defending the veil as the cultural symbol of national resistance against the French (Bessis 2004). The reasons behind Bourguiba's shift from defending the veil as a symbol of cultural resistance to Western imperialism, to establishing himself as Tunisia's primary secular defender of women's rights, has been the subject of historical controversy. While Bourguiba saw women's rights as a mark of cultural difference from the

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[47] In 1975, Bourguiba himself wrote a eulogy of Al-Haddad under the title *Tahir El-Haddad, venge' des tous ses detracteurs* (El Taher El Haddad: A Vindication against his detractors).1975. National Press: Tunis.

French during the national anti-colonial struggle for independence, he was quick to move away from such position starting from the late 1930s, asserting this even more strongly after independence. Such a conceptualization of women's rights as a mark of strong modern centralized state stands in sharp contrast to the conceptions of elite Egyptian postcolonial nationalists who saw women's rights as a mark of *national difference* and thus retained most of the conservative legal parameters of women's rights that had existed before national independence and that tied women's rights directly to strict understandings of Islamic Shari'a. According to one account, Bourguiba's earlier defense of the veil might have been merely a political tactic aimed to prove the religious credentials of the nationalist movement (Marzouki 1993). Such instrumental use of the veil as a symbol of national authenticity belied the need of the Tunisian nationalist movement back then to stress its Islamic roots to the popular masses. Other accounts stress the ideological shift that occurred to Bourguiba after and during the negotiations for national independence with the French, as he was determined to prove to the French that the newly independent Tunisia will be a modern state (Bessis 2004).

In contrast, in Tunisia, the influence of El-Haddad and other Tunisian social reformists of the 1920's and 1930's on the postcolonial elites' understanding of the significance of women's rights was profound. Ahmed Al-Mestiri, Tunisia's former minister of justice, and the real drafter and architect of the PSC, described Al-Haddad "as the true godfather of the PSC, without whom the new law would lack a religious basis, since it was

the courageous work of Al-Haddad that would later inspire other contemporary religious leaders whose advice was critical in the drafting of the PSC" (Al-Mestiri 2011).[48]

In addition to the intellectual roots of the PSC, the colonial period also had a major effect on the form and strength of the postcolonial state. French rule expanded and strengthened the centralization and the bureaucratization of the state. The French governed through developing an administrative apparatus that was designed to better extract taxation and thus was designed to be more efficient (Charrad 2001). In addition, a major effect of the colonization of Tunisia was the weakening of tribal powers and the extending of the power of the state in areas that were historically the purview of sub-state powers, including the collection of taxes and abolition of all forms of customary laws (Anderson 1987). These colonial effects would later have a major influence on the type of state that would emerge in post-colonial Tunisia, as it already had the infra-structure to build a strong centralized state bureaucracy. This would pave the way for further centralization at the hands of the post-colonial elites, especially when it comes to the law making and law enforcing functions of the new state.

2)Post-Colonial State Building: Law as State Hegemony

The nationalist war of independence in Tunisia culminated in the formation of a state structure that was centralized, strong, and could carry out major reforms. The Tunisian struggle for independence was marked by an internal conflict between two main political cleavages, a conservative faction that found its strongest holds of support among the tribal areas and the religious establishment of Al-Zaytouna, and a reformist modernizing faction

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[48] Al-Mestiri, Ahmed. 2011. *Shehada lel- Tarikh (A Testament for History).* Tunis: El Ganoub Press. I will return later in this section to the process of drafting the PSC itself and the role that the religious leaders of the time played in it.

that consisted of the trade unions, the educated professionals, and the urban population of Tunisia's rich coastal cities. During a protracted struggle that started even before Tunisia's nominal independence, the reformist faction triumphed over the conservative one (Charrad 2001). One important consequence of this outcome was the political weakening of two of pre-colonial Tunisia's most important traditional institutions: the religious establishment and the tribes of pre-colonial Tunisia (Charrad 2001).

Conditions during the emergence of the post-colonial Tunisian state in the period between 1956-1959 lead to the creation of a strong and centralized state that embarked on an ambitious modernizing project (Bellin 2002; Charrad 2011). In the aftermath of independence, a strong urban-based nationalist movement under the rule of Habib Bourguiba, mostly based in the urban industrial coastal areas, managed to defeat their strongest rivals, a conservative, rural interior-based coalition that appealed to tribal groups and the religious establishment (Anderson 1987; Bellin 2002; Charrad 2000). The post-colonial political elite sought to consolidate their rule by eradicating tribal and religious power holders and their social and political manifestations. This was done by gaining a monopoly over the making of national policies and laws and by developing strong state institutions that could effectively penetrate society and undermine the social support base of its rival (Charrad 2000; 2011). This political elite strongly believed in the role of the state as an agent of social transformation.

Law figured as an important element of this modernization project. Land laws were changed in 1957 to undermine collective tribal ownership of property, giving the new state control over the agricultural sector (Bellin 2002). In 1962, laws that governed the organization of labor unions brought a growing industrial labor force under the control of the

state (Yousfi 2015). Finally, and most important to the topic of this manuscript, the new centralized state introduced women's rights laws that are still considered radical in the region to this day. The first was the code of personal status (PSC) introduced in 1956. Known in Tunisia and the region as the "Magla Al- Ahwal Al Shaksiya", the PSC outlawed polygamy, made it a crime subject to imprisonment, and forced men to divorce and marry in front of the central states' courts, introducing the most progressive set of rights for women in the private sphere of the family in the whole region (Charrad 2000). The second was Law 28/1957 that established the distribution of tribal lands to individual owners, with compensation to members of the tribe. This step completely ended tribal influence and control in Tunisia but it also, most importantly, challenged tribal and Islamic land inheritance laws and particularly made individual women legal owners of their lands for the first time (Anderson 1986). The current debates about reforming the laws related to inheritance in Tunisia to make women inherit equally to men in all cases, is a direct result of this historical development. [49]

The defeat of the conservative camp enabled the post-colonial victorious elites of the reformist faction to launch an ambitious modernization project that would ultimately have very important consequences for women's rights in Tunisia. Under the leadership of Bourguiba, this state elite enacted reforms in the field of women's rights that are considered revolutionary until this present day. This was a political elite that saw the state and its laws as the primary agent of social change. In the words of Ahmed Al-Mestiri, who served as the first minister of justice after independence and who was the prime architect of the Personal

[49] At the time of writing, a national debate on reforming the inheritance law in Tunisia to make women inherit equally to men is under way after calls by Tunisia's current president, Beji Caid Essebsi, to reform the law governing inheritance. This came following another revolutionary reform allowing Muslim women to legally marry non-Muslims in Tunisia, another first in the Arab world. For more details, see: https://www.theguardian.com/global-development/2017/sep/04/we-are-an-example-to-the-arab-world-tunisias-radical-marriage-proposals

Status Code (PSC):

> We could not have reached our vision of the new state without the favorable political environment both domestically and internationally that the new Tunisian state emerged in. Our utmost goal was social reform to respond to the challenges of our modern times, and the needs of the Tunisian society. Our legal reforms, of which the Personal Status code was the most important, was driven by this need to modernize society and to create a strong national judiciary that governs all citizens equally, regardless of national origin, sex, or religion.[50]

Al- Mestiri's quote above captures two main features of the postcolonial Tunisian state project. First was its need to create a central modern judiciary that would become the arm of the new state in its attempts to advance society,. Second, the drive for that demonstrated an acute understanding of the role that law plays as a hegemonic tool of the state's penetration of society. The historical construction of law and its functions became directly tied to the state-building project during the early years of the newly independent state in the late 1950's and early 1960's. The early success of the winning faction of state elites in Tunisia in 1955 enabled them to carry out an ambitious state modernizing project where secular law had a double role: it became the state's primary tool to govern, regulate, and discipline society and it also became a tool against the enemies of the state. The state that developed in Tunisia became an example of a modernizing dictatorship that sought to bring the nation into the modern world, economically and socially, but severely curtailed any political opposition (Camau 1987). The state's efforts to strengthen all political and legal institutions and its ability to penetrate the society depended, among other things, on the establishment of a strong national judiciary (Bellin 2002; Charrad 2001; Camau 1987). Not only did the state abolish all kinds of religious courts in 1956, but it also strengthened its reach by building an extensive network of national courts that covered the entire country, and that effectively brought state law to the remotest corners of the Tunisian interior (Chamari 1991).

[50] Ibid, 104-105. Translations of the quotes from El Mistir's book are mine. The original is in Arabic.

The historical construction of law and its functions in the polity became directly tied to the state- building project. The early success of the winning faction of the state elites in Tunisia, and their ability to crush their main rivals, enabled them to carry out an ambitious state modernizing project where law had a double role: it became the state's main tool to penetrate society, and it also became a tool against the enemies of the state. Postcolonial Tunisia became an example of a modernizing dictatorship that sought to bring the nation into the modernized world, economically and socially, and did so by severely curtailing any opposition (Camau 1987). In other words, law became the prerogative of the state (Bellin 2002).

The state's efforts to strengthen all political and legal institutions, and its ability to penetrate the society depended upon on the establishment of a strong national justice system, among other things (Bellin 2002; Charrad 2000; Camau 1987). Not only did the state abolish all kinds of religious courts in 1956, but it also strengthened its reach through building an extensive network of national courts that covered the entire country, and that effectively brought state law to the remotest corners of the Tunisian interior (Chamari 1991). While a few ethnographies of court practices in Tunisia point to the different ways in which men sought to subvert the state's progressive family code, particularly in the interior rural areas, the state strongly and forcefully upheld the PSC (Hajaiej 1996).

The weakening of both tribes and religious leaders meant that other understandings of Islamic Shari' a, even if prevalent among society, found no institutional expression, which allowed the courts to implement rules without opposition. Thus, the law of the state became, for all intents and purposes, the law of the land. Notions of rights and entitlements became tied

to notions of state capacity and legitimacy, resulting in the creation of a hegemonic legal discourse and practice that left little space for movements to contest it.

The consequences of the developments detailed above were three-fold: First, the judicial branch in Tunisia, unlike its counterpart in Egypt, never developed as an independent branch of government separate from the executive. Rather, it became an arm of the state and an integral part of the state elite's mechanisms to carry out their modernizing project. This would have important consequences later for the ability of non-state actors to mobilize using the courts. In Tunisia, legal mobilization through the courts as a tactic used by citizens and activists against encroachment by the state against individual rights and liberties did not evolve in ways that happened in Egypt, as will be elaborated in the next section. For all intents and purposes, law became a hegemonic tool of social control that state elites used extensively to create their desired social outcomes. This hegemonic understanding of the political functions of law in theory and practice would later produce contradictory consequences for the women's rights movement. On the one hand, women's rights activists mainly saw themselves as safeguarding and increasing the list of rights that Tunisian women were already granted by a feminist state. On the other hand, women's rights activists were severely limited in the ability to use law and courts to widen women's rights, to contest the executive's repression of opposition members, including some members of the women's rights movement, or to push forward for new rights.

Second, law became a hegemonic tool of state power and the ability of the state to penetrate society. While a few legal ethnographies of court practices in Tunisia point to the different ways in which men sought to subvert the state's progressive family code, particularly in the interior rural areas, the state strongly and forcefully upheld the PSC in the

1960's and 1970's. Courts implemented those rules with little difficulty, mainly due to the weakening of both the tribes and the religious leaders. This meant that other understandings of Islamic Shari'a, even if prevalent among society, found no institutional expression. Thus, the law of the state became effectively, and for all intents and purposes, the law of the land. Third, the early legal codes issued by the state elites in the period immediately following independence in 1956 became important legal texts that, not only provided the new state with important political tools of governing, but also constituted important sources of legitimacy for the regimes of both Bourguiba and later Ben Ali.

Those laws were introduced in the aftermath of both independence from French colonial rule and an internal conflict between two rival factions of the nationalist movement. Thus, the winning faction treated laws as legitimizing tools of the state and not just as sets of authoritative rules. One major consequence of this historical development in Tunisia was that women's rights emerged, not only as part of a broader program of reforms, but as a central legitimizing political tool of the new state. The family law reforms that culminated in issuing the Personal Status Code of 1956 thus must be considered within this overall strategy of state building. Charrad (2001) points to the significance of family law as a tool in the new emerging Tunisian state's strategy of undermining the cohesion of tribal lineage and eliminating the collective power of the tribes. While this argument explains the demise of tribes' power and their resistance to the rule-making function of the emerging state, it still does not fully explain the subsequent position that the Personal Status Code (PSC) would come to occupy in Tunisian political and social life. In addition, the ideological motivations of the postcolonial state elites in issuing this law were apparent in their insistence of introducing several considerably "shocking" reforms all at once and in their insistence on

carrying out those reforms and expanding them in the 1960's and 1970's.

The PSC introduced a list of women's rights that remain unmatched to this day in all Muslim-majority states.[51]Those rights include: abolishing the principle of matrimonial guardianship; effectively taking away the legal guardian's prerogative to give a woman in marriage against her will; setting the minimum age for marriage to seventeen for women;[52] changing the rules of divorce and make it take place only in court; and, most famously, outlawing polygamy altogether, making it punishable with imprisonment for a year and hefty fine.[53] As the single most important legal and discursive tool of Tunisian state feminism, the PSC was issued in 1956, almost three years before Tunisia became formally independent. The decision to issue the code only a few months following independence and before the drafting of Tunisia's first post-independence constitution of 1959 attests to the ideological and political significance of the code from the perspective of the reformist elites. The importance of the Personal Status Code constitutionally and politically, as well as the ideological motivation behind it, can be summarized in the following paragraph from Al-Mestiri (2011):

> The Personal Status Code (PSC) was Tunisia's true revolution following independence. We have made lot of effort to explain it to the public, to engage reformist religious leaders in its drafting, including the then Mufti of Tunisia, El-Fadel Ben Ashour, who provided detailed comments on our first draft and who negotiated on some finer points with both me and Bourguiba. The main issues of contention with Ben Achour were the complete banning of polygamy, and making divorce only legal if it happens before the court. Ben Achour thought

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[51] Except, arguably for Turkey, where state's penetration and its ability to enforce its progressive laws remains contested. For more details, see: Belge, Ceren. 2008. *Whose Law? Clans, Honor Killings, and State-Minority Relations in Turkey and Israel* (Unpublished Manuscript- The University of Washington in Seattle).

[52] In the original text of the PSC of 1956, the minimum age of marriage for women was fifteen. In 1961, however, state statistics on marriage revealed that 48.5% of Tunisian women were getting married between the ages of fifteen and nineteen, whereas only 3.8% of men were married at the same age. To counter this gender gap in marriage, Tunisian lawmakers decided to change the minimum age of marriage for women to seventeen.

[53] For a detailed discussion of the text of PSC, see: Marzouki, Ilhem.1993. *Le mouvement des femmes en Tunisie au XXeme siecle: Feminisme Et Politique (*The Tunisian Women's Rights Movement in the Twentieth Century: Feminism and Politics) Tunis: Cérès Production.

> that it would be better to introduce the banning of polygamy gradually rather than make it illegal all at once. He completely supported a court-based divorce, stating that there is nothing in Islamic jurisdiction that is against that and that it would be compatible with the spirit of Islam. Bourguiba completely insisted on a complete banning of polygamy.[54]

The above quote illustrates two important points with regards to the intentions of the postcolonial elite on the eve of issuing the PSC. The first is that reformist religious leaders were involved in the making of the code, a fact that the Tunisian regime often stressed, whether in public statements or in the different outreach programs that it undertook to explain the reforms to the Tunisian population. Judges played an important role in that, stressing that the new code does not represent a departure from Islam but rather a new progressive interpretation of it (Charrad 2001). While it remains contested whether Bourguiba, Al-Mestiri, and other state elites of the time were really concerned about introducing a text that is compatible with Islam or not, the CPS remains a revolutionary text by any interpretation. While both western and local historians of modern Tunisia agree that the political elite under Bourguiba had other motives for introducing the personal status code, including curbing the political powers of the religious establishment and consolidating the new state's power over the private life of its citizens (Camu 1987, Anderson 1987; Charrad 2001), the effects of the PSC on the legal and political consciousness of Tunisians were, nevertheless, profound. The central role played by the PSC in consolidating the secular outlook of the new regime was evident in the fact that the PSC was issued right after the independence and even before the first post-independence constitution of 1959 (Camu 1987; Marzouki 1993). It should be noted here that the Personal Status Code (PSC) was issued even before the official proclamation of independence of Tunisia from French occupation. The

[54] Al-Mestiri, Ahmed. 2011. *Shehada lel- Tarikh (A Testament for History).* Tunis: El Ganoub Press: 106-108.

haste through which the PSC was drafted and issued, suggest a political need for it that extends beyond the need to "liberate women". Many scholars suspect that an earlier draft of the personal status law already existed years before independence.[55]

Regardless of the personal intentions of Bourguiba, several constitutional, legal, and institutional mechanisms were established by the new state to carry out its national policy of women's liberation. Law figured as an important element of this modernization project. Perhaps most importantly, the personal status code acquired an important position in Tunisia's constitutional law, acting as a supra-constitutional principle that guided the entire legal system of the new nation. In the words of one judge I interviewed on the topic:

> The significance of the personal status code of 1956 on the development of constitutional law in Tunisia was profound. First, the personal status code was passed in late 1956, almost three years before the post-independence constitution was drafted. In many ways, the PSC became a supra-constitutional principal, upon which the constitution itself, and the entire legal system, was based.[56]

The elevated status of the personal status code in relation to the constitution prompted a prominent Tunisian constitutional expert to declare that the PSC is the "real constitution of Tunisia" (Ben Achour 1992:16). Despite some minor changes that coincided with the change of political leadership in 1987, after the ousting of Bourguiba by Ben Ali, the political system and legal institutions that emerged at the end of the colonial era remained essentially in place until the outbreak of the Jasmine revolution in January 2011. The Tunisian state reformed the laws governing marriage, divorce, custody, and it created a modern centralized state that championed women's rights and continued to initiate top-down reforms (Chamari 1991; Charrad 2001). These reforms included giving women more financial and custody rights in

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[55] For more details on the historical roots of the PSC, see Marzouki, Ilhem.1993. Le mouvement des femmes en Tunisie au XXeme siecle: Feminisme Et Politique, Tunis: Cérès Production. (In French).

[56] Author's interview with Ahmed, Tunisian Judge, Tunis, 16 May 2014.

the case of divorce in 1981. In 1993, another important law passed that granted Tunisian women the right to pass their nationality to their children (Charrad 2011).

In general, Ben Ali largely continued Bourguiba's corporatist political approach as the authoritarian head of state responsible for top-down modernization (Murphy 2003: 169-170). But the single most important development that further strengthened the political significance of the PSC was the adoption of the new national charter in 1987. This charter organized the framework for multi-party elections and established the legal framework for establishing political parties in Tunisia. The charter included an article that stipulated that:

> All parties will respect the character of the Republican state, in accordance with the principle of sovereignty of the people and preserve the gains of the previous regime, including the Personal Status Code, the prohibition of any party based on religion or race, and the renunciation of violence in all its forms.[57]

The above article further confirmed the legal status of the PSC in the political life of Tunisia and signified the close relations between women's rights and the secular nationalist identity of the regime. In 1987, Ben Ali impeached Bourguiba because his old age and health, as certified by his doctors, made him unfit to govern. Bourgiba lived in Monastir under government protection inside the Governor's Mansion for the last thirteen years of his life. The national charter of 1987 was thus an attempt to resolve a crisis of legitimacy within the regime that accompanied a transfer of political power within an authoritarian context (Fromson 2014). The PSC represented an important legal tool that allowed the Ben Ali regime to exclude the Islamic opposition from political participation while also maintaining the legacy of Bourguiba's pro-women's rights political order.

This move to further consolidate the PSC as a supra-constitutional principle and a

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[57] Text of the Tunisian national charter, quoted from Zartman, William, Keller, William and Jones, Scott. 2015. *Arab Spring: Negotiating in the Shadow of Intifadat*, Athens: Georgia University Press.

legitimating tool of state power was coupled with an aggressive French-like form of laïcité, or the prohibition of religious influence in the determination of state policies (Marks 2014)[58]. The Tunisian version of laïcité depended heavily on the PSC as an organizing principle of the state. In the words of a high-ranking female member of Ennahda:

> Laïcité was the organizing principal of the Tunisian state under Bourguiba and Ben Ali. It presupposed a conflict between Islam and women's rights. It rested on the premise that Tunisians need to give up their Islamic identity if we are to achieve equality. For the regime and many of their supporters, including secular feminists, there was no middle ground in-between that could be negotiated, no possibility that women's rights could be achieved through modernizing the Islamic texts themselves. This eternal conflict lies at the heart of Tunisia's version of laïcité. Unfortunately, many of those feminist activists still promote this old formula, one that denies Tunisians an integral part of their sense of identity: being Muslims.[59]

The above quote exposes the conflicting secular and Islamic visions of women's rights. However, it also exposes a core tenet of the Tunisian project of state feminism: its political utility as a credential of the secular regime. This credential served the purpose of keeping out other contending visions of state-society relations, as expressed through the legal framework governing fundamental rights and freedoms. Many members of Ennahda echoed similar sentiments to the quote above. Another younger female member of the Consistent Assembly told me in an interview, "These family law reforms, starting with the personal status code (PSC), demonstrate the rare occurrence of the law outpacing majoritarian social and cultural values." [60]

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[58] Like Turkey, Tunisia has experienced state-led imposition of "laicisim" which seeks to guarantee citizens state protection from religion, as opposed to Anglo-Saxon models of secularism, which seek to protect religion from the state. After the revolution, some Tunisian parties—including Ennahda and more center-left, soft secular parties like CPR and Ettakatol -began backtracking from the laicist model. For further reading on the contrasts between laicism and Anglo- Saxon secularism with many parallels to the Tunisian context, see Semiha Topal, "Everybody Wants Secularism—But Which One? Contesting Definitions of Secularism in Contemporary Turkey," *International Journal of Politics, Culture, and Society* (2011): 1-14.

[59] Author's interview with Mona, member of the Tunisian Constitute Assembly, Tunis, March 12, 2014.

[60] Author's interview with, Goumana, member of the National Tunisian Constitute Assembly (NCA), Tunis, March 12, 2014.

3)State Feminism in Practice

The liberation of women was a central organizing principle of the state's national project (Marzouki 1993). In addition to the key role played by the courts and the police in implementing the PSC and punishing those who failed to comply with the new laws, several other state-run organizations played a major role in translating the state's vision into policies. In many ways, the newly designed state institutions including the single ruling party DRC (Democratic Constitutional Rally known as the Neo-Destour), the UNFT (The National Union of Tunisian Women), and later the ATPF (Tunisian Family Planning Association) that was established in 1968, are the true promoters of state feminism in Tunisia. The UNFT was run by several influential female cadres of the Neo-Destour who were also active in the Tunisian nationalist movement before independence. Those women included Rahdia El-Haddad, Aischa Balagha, and Wasila Ben Ammar (who would later become Bourguiba's second wife). The UNFT was established right after the passing of the PSC, and its mandate included "the implementation of the PSC all over Tunisia and the mobilization of Tunisian women to build modern Tunisia".[61]

The importance of the UNFT as the main arm of the state when it comes to the implementation of the new state's policies became more apparent in the 1960's. While the Union was technically not a state institution, meaning that the head of the union and its board were chosen through elections, it still received its budget and most of its support from the state. This nominal independence was intentional, as the state wished to create a women's organization that represented all Tunisian women but that could be independent from the

[61] The UNFT's first mandate. 1956. Tunis: Publications of the Tunisian Ministry of Information.

influence of politics. While in reality this was not the case, as almost all the UNFT's presidents throughout its history were affiliated with the ruling party, it enabled the state to create a women's organization that could carry out the state's policies among the population without incurring much of the backlash that could occur among the more conservative factions of society. The UNFT established branches all over the country and began carrying out intensive workshops and conferences with rural women to explain the advantages of the new code, and what to do if someone they know violated the new laws.[62]

The late feminist and scholar Elhem Marzouki cites other reasons for the organizational structure of the UNFT, explaining why it was necessary to create a women's organization that was nominally independent, yet an instrument of the state's control:

> The constitution of the UNFT at that point demanded the crumbling of older women's organizations with an eye on towards the monopolization of the women's associative landscape while exerting all its weight on giving this Union a clear stamp of the ruling party. This necessitated an organizational structure whereby the leadership of the Union was selected from the female cadres of the party, while the union itself was autonomous from the state. This strategy fulfilled the double role of making sure that the organization backed Bourguiba's Neo-Destour party and remained loyal to the party line, yet enjoyed the autonomy to undertake its activities in the countryside.[63]

It should be noted here that fear of such a backlash was evident in many of the statements of both women and men who were part of the state's elite that carried those policies in the 1950's and 1960's. In the words of Radiha El-Haddad (1922-2002) who served as the UNFT's second president from 1958 to 1972:

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[62] There had been very little written about social resistance to the PSC in Tunisia, a fact that illustrates that any resistance was probably treated very seriously by the state. The main center of opposition to the code was the conservative segment of the religious establishment. In a public statement in September 1956, the rector of Al-Zaytouna announced that the text of the PSC was not what he expected, and that it was problematic, and expressed disagreement on several of its articles. Other than that, there is virtually no mention of any real social backlash against the code.

[63] Marzouki, Ilhem.1993. *Le mouvement des femmes en Tunisie au XXeme siecle: Feminisme Et Politique (*The Tunisian Women's Rights Movement in the Twentieth Century: Feminism and Politics) Tunis: Cérès Production, 157.

> Implementing the PSC was much more difficult than what we thought. If it had not been for Bourguiba and his courageous action of issuing the code and ensuring its enforcement, this would not have succeeded. We were fearing that the PSC would invoke a violent reaction against the new state as no social revolution of this magnitude had been carried out before in any Muslim country.[64]

While the UNFT and the courts carried out the implementation of the PSC and ensured a smooth transition to a new social phase in Tunisia, one other organization, the ATPF (Tunisian Family Planning Association), played a major role in implementing another key state policy when it comes to women: family planning. One of the central goals of the new state's modernizing project was to control population's growth, and women's reproductive health was key to achieving that.

The Tunisian Family Planning Association enjoyed a large mandate that covered reproductive health and women's status in the family. One of the state's primary policies to achieve this was to legalize abortion completely and have the procedure covered by the state health services from 1968 on (Bessis 2004). The Tunisian Family Planning Association was established in the same year, to carry out the new laws pertaining to reproductive health and family planning. It also established branches all over Tunisia, ran educational campaigns, distributed contraceptives for free, and educated women on their rights to free and safe abortions, according to the law. The effects of the 1968 law that legalized abortion coupled with the family planning services carried out by the ATPF were almost as important as those triggered by the PSC. In the words of one Tunisian women rights activists that I interviewed in 2014:

> The state's family planning program did more to change women's positions in the family than any other government's program. On the one hand, it allowed women to control their fertility, and their career and life choices. The fact that the ATFP made sure that those services reach women from all walks of life, ensured that the state's reforms were not only confined to middle class educated women. Rural women in Al-Kaf *(a remote rural province of Tunisia)*

[64] El-Haddad, Radiha. 1995. *Paroles des Femme* (Words of a Woman). Tunis: Ceres Press.

> could access these services if they wished and they were for free. I know of very few countries in the world where that happens.[65]

At the time of conducting the interview from which the above quote is taken, in 2014, there was a serious debate on women's right and access to free legal abortions in Tunisia. In the aftermath of the revolution, and with the rise of Ennahda and other conservative forces, a political, moral, and practical contestation of women's right to abortion began to appear. Several women's rights groups expressed their alarm and reported to me during interviews conducted in 2014 and 2016 how it had become common for health practitioners working in government family planning clinics to attempt to prevent women from getting abortions. Such alarm is testament of the pre-existing state and medical policies, and how women came to rely on them in their daily lives. The way in which both women's rights activists and ordinary women I met would describe their reliance on these services illustrates that the main beneficiaries of both the ATFP and the UNFT were women from all wakes of life in Tunisia.

4)The Women's Rights Movement in Tunisia and the Shadow of the State

One important dimension of the story of state feminism in Tunisia is the absence of an active women's rights movement, practically until the early 1990's. As detailed above, the Personal Status Code (PSC) was not a response from the state to pressures from a mass feminist movement or even a limited movement of elite women. In the words of Tunisia's founder and first president Bourguiba: "Indeed, there was no feminist movement demanding the

[65] Author's interview with Ibtihal, Physician and women's rights activist, January 12, 2014. The elaboration in Italics is mine.

promulgation of a personal status law or the abolition of polygamy."[66] Tunisia's second president Ben Ali confirmed this fact decades later when he stated in 1992 that the "emancipation of Tunisian women had not been a response to feminist considerations in the 1950's."[67] The absence of a women's rights movement from the scene in Tunisia should not be interpreted as an absence of women's activism defined as women's organized social or political action. As the Tunisian feminist and scholar Elhem Marzouki details, women's activism had existed since the early twentieth century. Several women's organizations including the Tunisian Union of Muslim Women (UMFT) and the Union of Tunisian Women (UFT) existed in the colonial era. The first, the UMFT, had Islamic leanings and was connected to the reformist movement that had started in Al-Zaytouna in the early 1920's. It was run by Be'chira Ben Mourad, a women's leader and the daughter of a prominent religious scholar. Following independence, the UNFT supplanted those organizations and many of the women's leaders of the colonial era were marginalized (Tchaicha and Arfaoui 2017).

As explained above, this move was motivated by the desire of the political leadership to monopolize women's activities and to direct them towards the goals of the new state. But while some form of nationalization of women's activism did occur, it should be noted that the organizational structures for women that existed before independence were mostly part of the nationalist movement and did not express any specific demands related to women's rights (Marzouki 1993). While those early organizational structures, mostly the Tunisian Union of Muslim Women (UMFT) did represent an early attempt of women organizing themselves, they

[66] Interview of President Habib Bourguiba, entitled "Notre Code de satut personnel est un sujet de fiert'e pour la femme tunisienne" (Our code of personal status is a source of pride for the Tunisian woman), *Revue Femina Tunis*, March 20, 1973, Archives of the Centre de Documentation Nationale, Tunis.

[67] This quote is taken from a public speech by Ben Ali on the national day of the Tunisian woman, the 13th of August 1992. For the full text, see *La Presse*, Tunis, August 14, 1992.

could hardly be termed a movement. Unlike Egypt, where women's activism had a long history as will be detailed in the next section, Tunisian women's right activism barely existed in the colonial era.

The first stirrings of an independent women's movement emerged in Tunisia only in the late 1980's (Labidi 2007). As part of a broader mobilization of the left in the late 1970's, several politically active female students at the university of Tunisia created a club to discuss women's issues in 1978. The club was significantly named El- Taher El Haddad, after Tunisia's prominent thinker who was the first to raise women's issues in back in the 1930's (Brand 1998). Several women's associations were established right afterwards, all declaring their commitment to protect the 1956 Personal Status Code and to act as watchdogs to ensure that Tunisia's women-friendly laws remain unthreatened (Charrad 2011). For this generation of activists, the paradox was how to mobilize against a state that had strongly benefited them personally through its strong program of state feminism, yet curtailed their freedom of association and their ability to organize autonomously.[68] In the words of one prominent feminist activist and one of the founders of El-Taher El Haddad's club that I interviewed:

> We had an almost schizophrenic relationship with the state. On the one hand, we were in many ways the living product of this state. We were educated women in our mid-thirties who enjoyed more rights in our personal rights than those enjoyed by women in any other country in the region. On the other hand, we could not form our own associations, nor organize independently of the state. We also could not stand and watch the state repressing the labor movement and the human rights movements and attempt to get special treatment. It was a quandary that we had to deal with throughout the Ben Ali years.[69]

[68] Among the most active of these organizations is the Association of Tunisian Women for Research and Development-(AFTURD), and The Tunisian Association of Democratic Women, (ATFD), established in 1988 and 1989 respectively. The two associations' membership base was mainly comprised of educated middle class professional women. They focus mainly on advocacy work, research and media campaigns.

[69] Author's interview with Salwa, Women's Rights Activist, Constitutional law professor, and one of the Founders of El-Taher El Haddad's club in 1978, February 3, 2014.

The two oldest and leading women's rights organizations in Tunisia were established in the late 1980's by the same generation of activists. The two organizations were the Association of Tunisian Women for Research and Development (AFTURD) and The Tunisian Association of Democratic Women, (ATFD), established in 1988 and 1989 respectively. The two associations' membership base was mainly comprised of educated middle class professional women, mostly of leftist political leanings. Other smaller organizations exist, especially in the rural interior areas, but they mainly work under the umbrella of those two organizations (Charrad 2011). Ben Ali reached out to these two main organizations at the start of his presidency in a bid to increase his base of support among the progressive middle class at a time when the government was facing a growing Islamic opposition (Charrad 2011; Brand 1998). In addition, the newly formed ruling party, the Constitutional Democratic Rally (RCD), established a separate women's chapter, one that later evolved into another semi-independent organization that was nevertheless closely tied to the ruling party, the Union de Femmes Tunisienn (The Union of Tunisian Women) (UNFT).

Throughout the 1990's and 2000's, the two organizations focused mainly on advocacy work, action-based research, and media campaigns. While most of their work could be termed as complementary to that of the state, those activists saw their work as compensating for what they saw as a decreasing role of the state in women's rights under Ben Ali. They often spoke with nostalgia of the Bourguiba days when women's rights were at the heart of the state's developmental projects.[70] One of the leaders of El-Haddad club

[70] Author's interview with Basma, member of the Association of Tunisian Women for Research and Development (AFTURD), September 15, 2011.

articulated her definition of an independent feminist movement and how it differs from state feminism as follows:

> Our vision of the movement was to help women promote themselves. It is not only about promoting women through the PSC. It is also about developing an awareness of the real problems of women and where laws are lagging in dealing with them. It is not enough to wait for the state agents to do it themselves, but to push our own demands through legitimate state and non-state channels. It is no longer enough to have state feminism but an independent movement is the only guarantee that the state will continue to patron women's rights.[71]

Two main points stand out from the above quote. The first is the centrality of the state's laws in the overall strategy of the newly emerging feminist movement in Tunisia in the 1980's and 1990's. The women's rights activists saw their role as pushing for new legal reforms since the state agencies had always been successful in advancing women through issuing new legal codes and implementing them. The second is that those feminist activists saw their role as creating a movement that would protect and push forward new rights for women at a time when it seemed that the Tunisian state, under Ben Ali, was regressing in its role in the field of women's rights.

One important consequence of the late development of a women's rights movement in Tunisia was that its tactics, identity, and most of its activities became closely tied to the state, even as its individual members sometimes took positions that could expose them to the wrath of the state (Labidi 2007). While the new women's organizations were clearly independent of the state, and even suffered from occasional harassment by the state's security personnel, their ability to influence the state's policies remained limited. Their efforts during the Ben Ali years focused on safeguarding already existing women's rights that the state had guaranteed. One role that these organizations effectively played was providing legal aid services for women on a

[71] Author's interview with Hala, member of The Tunisian Association of Democratic Women (AFTD), April 1, 2014.

wide scale, thus using the state's support of women's issues and a well-functioning women's friendly court system to further the state's agenda but not to challenge it. Thus, the women's rights movement in Tunisia, under the authoritarian regime, provided a support system for the implementation of the state's laws, but the movement never affected the content of laws, the timing of them, or the extent of rights covered and protected by them. Moreover, the women's rights movement was powerless in the face of violations committed by state agents, a fact that gains greater significance following the Jasmine revolution of 2011 and the fall of the authoritarian regime.[72]

But the real work of those two organizations was in combatting violence against women. In the early 1990's, the emerging feminist movement in Tunisia launched a campaign to combat domestic violence in Tunisia. The AFTD opened its first counseling center for battered women in 1993 and subsequently formed commissions and produced many reports on the topic. The new women's organizations began to lobby the state to come up with better laws to combat domestic violence, workplace harassment, and public forms of gender violence like street harassment (Tchaicha and Arfaoui 2017). In 1993, as notions of human rights, women's rights, and combating violence against women diffused globally, women's rights activists pushed for an amended Article 218 of the Penal Code that introduced punishments for perpetrators of domestic violence. The women's rights movement complained that the law remained ineffective mainly because of low reporting, inadequate police training, and lack of public awareness of the law and services.[73]

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[72] I return to this topic in details in chapter four of this manuscript.

[73] Untitled Report by the AFTD, September 1998.

The relationship between the feminist movement and the state during the Ben Ali years was rather tense. Many of the women's rights activists found themselves harassed by the political police when they ventured outside of 'women's issues' into what were deemed to be political issues, such as the human rights of political prisoners or the right to organize and protest. The well-known constitutional lawyer and ATFD activist Bochra Bel Haj Hamida was harassed by the political police in the early years of the new century, as was Khedija Arfaoui in 2009. Law professor and women's rights advocate Alya Chérif Chammari was harassed, and she and her husband (a human rights lawyer) were detained when they raised questions about the treatment of political prisoners.[74] Speech and collective action were restricted, and feminist activists found that they could not secure a public place for a general assembly.[75] While the relatively young feminist movement in Tunisia was mostly supportive of the PSC and spoke in support of the Tunisian state feminism project, its insistence on remaining independent of the state cost dearly in terms of its members own security. Up until the Jasmine Revolution of 2011 and the overthrow of the Ben Ali regime, women's rights served as some sort of "sacred cow" for the regime, a sort of political evidence of its progressive agenda and an important component of its discourse against its enemies, mainly the Islamists (Charrad 2011). Moreover, it was an important signal of the liberal credentials of a regime that was in every other way, authoritarian. While Tunisian women's rights activists spoke against transgressions against political activists in general, the extent of the Tunisian's state use of gender-based violence as part of its repressive state

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[74] Author's interview with Basma, member of the Association of Tunisian Women for Research and Development (AFTURD), September 15, 2011.

[75] Ibid.

apparatus surprised even some of the veteran women's rights activists.[76] The grassroots mobilization against gender-based violence in post-revolutionary Tunisia is further discussed in chapter four of this manuscript.

In summary, Tunisia's strong state feminism controlled both the discourse and actions related to women's rights up until the Jasmine Revolution in 2011. At the heart of this project was an educated westernized elite that strongly believed in the centrality of women's rights to the state-building project, a hegemonic legal understanding of women's rights with the PSC as its main feature, and strong state institutions that successfully carried out this project in the absence of a mass-based women's rights movement for most of the history of postcolonial Tunisia. Tunisia's strong state feminism would later introduce contradictory consequences for women's rights mobilization in the aftermath of the Arab spring. I will return to this point in detail in the conclusion of this chapter.

III. Egypt's Weak State Paternalism: Weak State, Strong Movement

1) The Women's Question in Egypt: The Roots of Nationalist Exceptionalism

Scholars of postcolonial nationalism point to the ways in which gender identity formation within a specific context was shaped by the process of state-building and nation-building (Kandiyoti 1991; Chaterrjee 1993). However, there are only a few of those studies that make an analytical and historical distinction between nation-building and state-building, two separate processes that might coincide or not (Chaterjee 1993; Kholoussy 2010; Bier 2011). In many postcolonial settings, the process of nation-building preceded that of state-building, a fact that created several competing understandings of key notions of citizenship and rights,

[76] Author's interview with Salma, member of the Association of Tunisian Women for Research and Development (AFTURD), September 3, 2014.

including women’s rights. Such conflicting discursive notions later made their ways into the institutional and legal frameworks set by the new state, creating conflicting notions of rights, including women’s rights.

Egypt exemplifies a case of a state where the process of nation-building not only preceded that of state-building, but also hindered it in some ways, while aiding it in others. Unlike Tunisia, the post-colonial Egyptian state and its institutions were not the making of one emerging victorious faction from among elites of the nationalist movement. In contrast to Bourguiba and his clique of state-building urban educated elites, the military elite of mostly middle-class low-ranked officers, known as the Free officer, who ruled Egypt since 1952, came to power through a coup d’état that was the result of a protracted crisis that characterized Egyptian politics and society throughout the interwar period. Though Egypt had gained nominal independence from the British in 1923 and enjoyed a limited multi-party parliamentary democracy that was often curtailed by direct repressive interventions from both the monarchy and the British, the political and social order was far from stable. Egypt’s leading nationalist party, Al-Wafd, a liberal nationalist majority party, failed to successfully negotiate a final treaty to end British influence over Egyptian politics and was often ousted from power by both the monarchy and the British who installed smaller parties that represented the landed aristocracy of Egypt into power.

The social, political, and economic transformations of the 1930’s and 1940’s led to the spread of an increased sense of alienation among a new generation of young educated professional middle class who were developing more radical political ideas that challenged “the paternalism of the liberal nationalism of the Wafd Party” (Bier 2011: 35). This instability led to the rise of a new wave of radical nationalism, with competing ideas on social progress,

development, "and the need to lift the Egyptian nations out of the confines of social backwardness" (Bier 2011:36). These radical threads of nationalism included: a leftist understanding of nationalism where the state serves as a tool of income distribution, social reform, and modernizations; a secular right wing understanding of Egyptian nationalism that has fascist undertones; and an Islamic understanding of Egyptian nationalism that considers Egyptian identity as part of a larger Islamic collective, the Muslim World.[77] Those different trajectories of Egyptian nationalism would continue to influence the post-colonial state elites, who, unlike their Tunisian counterparts who were modernist and secular in both outlook and policies, favored a mixed approach to their state building process. This mixed approach would particularly come to express itself mostly in two main fields in postcolonial Egypt: the nature of the legal system and especially, the adoption of legal pluralism as an integral character of the national legal system: and the status of women as a marker of nationalist difference to the colonizers.

Scholars of postcolonial nationalism point to how several anti-colonial nationalist projects were marked by what Partha Chateerjee refers to as "*the rule of colonial difference*." (Chatterjee 1993:10). Writing on India, Chateerjee refers to the attempts by Indian nationalists to modernize the nation and its subjects, including women, and thus to prove to their colonizers that they are worthy of independence, while, at the same time, preserving an inner sphere of cultural sovereignty, which is located within the domestic realm (Chatterjee 1993: 45-46). One important aspect of this rule of colonial difference is the split between the public and private

[77] Those three different threads of Egyptian nationalism were represented by the various communist political groups, the right-wing political group "Young Egypt", and the Muslim Brotherhood, respectively. For more details on the different trends within the Egyptian nationalist movement, see: Meijer, Roel. 2002. *The Quest for Modernity: Secular, Liberal, and Left-Wing Thought in Egypt (1945-1958).* London: Routledge Curzon.

spheres, with women being assigned as the bearers of national culture (Bier 2011: 13). A very similar process occurred in colonial Egypt. Since the turn of the twentieth century, debates about women's rights and women's status have occupied a central place in Egyptian nationalist debates. British colonial discourses on Egypt centered on the backwardness of Egyptian society and specifically on the conditions of women as a sign of this (Ahmed 1992). Early nationalist debates on women's status in Egypt from the late nineteenth century and up until the 1920's and 1930's betray a conservative approach to the question of women's presence in the public space and a continuous avoidance of the thorny issue of the state's responsibility in promoting gender equality in the private sphere through reforming the personal status codes.

This conservative approach could even be found in the writings of many social reformers including Qasim Amin, an Egyptian jurist and social reformist. Amin's two books the *Liberation of Women* (1899) and the *New Woman* (1900), called for major reform in the status of women's as a way of bettering the Egyptian society as a whole. Amin specifically attacked the veil not just as a form of religious-based dress attire, but "as an entire institutional set up that enforces the segregation of the sexes" (Amin 2000: 56-57). Amin also attacked early marriages and polygamy and called for the education of women as a means of raising the standards of the "future wives of the nation" (Amin: 45).But his main concern seemed to be the poor status of Egyptian women, compared to the status of women in other civilized nations. Compared to El-Taher El Haddad in Tunisia, whose ideas were rooted in the social realties of lower income Tunisians whom he interacted with daily, Amin was an upper class educated man who was occupied with the veil as an "outer" marker of the low status of Egyptian women.

As Leila Ahmad (1992) suggests in her book, *Women and Gender in Islam,* Amin's preoccupation with the veil as the main reason for Egyptian backwardness echoes many of the British colonial views on the veil at that time. In addition, Ahmad eloquently points out that Amin's ideal Egyptian woman "would not have control over her own body or her image, which needs to be in serve of the nation-building process" (Ahmad 1993:56). Amin's writings, while progressive by the standards of its time, still betrays an preoccupation with the image of Egypt as synonymous to that of its women.

Such an analogy was developed further in the 1920's and 1930's, where the gender question was slowly turned into a nationalist one. This was achieved through the dual tactic of promoting one model of womanhood as ideal, and by representing the nation itself as a woman. In her book, "*Egypt as Woman: Nationalism, Gender and Politics*", Beth Baron (2005) discusses at length the historically rich process through which Egyptian nationalists, influenced by western nationalist traditions, portrayed Egypt as a woman in national iconography, vernacular language, and popular culture.[78] Significantly, such representations tying women to the state, while not exclusive to Egypt, seems to stretch continuously from the 1920's and up until the January 25 revolution. More recent referrals to Egypt as "Bahya" (meaning the beautiful one, a woman's name used to describe Egypt) and Om El Donia" (the mother of the world) in the context of the Arab spring denote an ongoing fascination with the image of Egypt as a woman.[79]

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[78] Baron, Beth. 2005. *Egypt As a Woman: Nationalism, Gender and Politics.* Berkeley: University of California Press.

[79] For more details on the iconic representations of Egypt as a woman during the Egyptian revolution of 2011, see, Ahmed Zaki. Hind. 2015. "El Sissi's Women? Shifting Gender Discourses and the Limits of State Feminism" *Egypt/Monde Arabe* 13(1): 2015.

The debate on the nature of Egypt's cultural identity hinged on the form of the legal system and specifically the question of the origin of law. The transplantation of the (secular) European civil law system onto Egypt, over the course of a century and a half, had the effect of displacing Egypt's historic (religious) legal system based on Islamic law (Abu-Odeh 2004). The only exception to this phenomenon was family law; although it was formally codified in a Western legal fashion, the substantive rules governing the family completely preserved their Islamic origins. This arrangement had the effect of rendering the Egyptian legal system into a predominantly secular system except for family law, understood to be derived from religious law (Abu-Odeh 2004). This historical development, one that preceded the formal independence of Egypt in 1956, and the establishment of the post-colonial state would have major consequences on the development of a nationalist project of state feminism, where women's rights and family became closely tied to Islamic law and where the dual nature of Egypt's legal and constitutional system would inhibit the development of a state feminist project that tackles the roots of the patriarchal system. The Egyptian legal system, one that developed before independence, created an effect whereby family laws and women's rights became a mark of the cultural difference of the Egyptian nationalist project. Such a cultural difference would develop into a *nationalist difference* in postcolonial Egypt and would have contradictory consequences on the both the historical ability of the Egyptian women's rights movement to mobilize for rights, and on the very meaning of those rights in the context of state-society relations.

2) Empowerment through Labor and Law as a Mark of National Identity

Historian Laura Bier (2011) argues that the gendered and political orders that were put in place by the governing elites in the period following nominal independence from Britain in

1923 underwent major changes in the wake of the 1952 coup d'état in (Bier 2011).[80] While the newly established regime in Egypt owed many of its ideas on wider social reforms to earlier attempts at modernization and social engineering that began in the 1920's and 1930's, it still signaled a new beginning on several important fronts. First, instead of merely relaying on charitable initiatives by the upper class, the language of social reform entered the phase of scientific planning by a strong central government.[81] This development paved the way for the state's monopoly over important social issues, both discursively and institutionally, including what could broadly as reforms in the field of women's rights.

Second, the discursive and ideological foundations of what later became the Nasserist state came to be closely tied with a clear demarcation of the public and private domains. More importantly, the new state feminism sought the effective silencing of a vibrant and rich debate on the women's question that took place in the interwar period.[82] This debate shows that different ideals of national womanhood competed (El Shakry 2007). While discussions in the 1920's, and up until the 1950's, centered on how increased opportunities for work and education for women will influence the traditional roles of women as caretakers, mothers, and house wives and on the ways in which such changes were to affect the laws governing the intimate relations between men and women within the marriage institution, the 1960's onwards gave rise to a different discourse. This new discourse centered mostly on women's roles as employed workers

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[80] Bier, Laura.2011. *Revolutionary Womanhood: Feminisms, Modernity and the State in Nasser's Egypt.* Stanford: Stanford University Press, 37.

[81] For more on this argument and on critiques of centralized planning, see: El-Shakry, Omnia.2007. *The Great Social Laboratory: Subjects of Knowledge in Colonial and Postcolonial Egypt*. Stanford, CA: Stanford University Press.

[82] I return to this debate in details when I discuss the history of the Egyptian women's rights movement at the end of this section.

and as citizens in a new type of public space. Issues like marriage, divorce, and custody of children in case of divorce were regulated and reformed only at piecemeal levels by the state, and debates on women's status in the private realm became almost nonexistent (Badran 2009, Baron 2005; Kholoussy 2010 and Bier 2011).[83] On the contrary, legal provisions guaranteeing women's right to work and providing welfare policies to working mothers expanded proportionally during the 1960's (Waterbury 1993; Bier 201).

While the approach of empowerment through active participation in the labor was a popular developmental strategy for many third world states at that time (Rai 2003; Zheng 2005; Manning 2006), it did not produce the kind of results expected of it in Egypt. In the words of Bier (2011):

> Pamphlets and tracts produced by the Ministry of National Guidance and the Ministry of Social Affairs in the early 1960's, chronicling the achievements of Arab Socialism, celebrated the participation of women in the public life, through statistical surveys of female participation in the workforce. Popular films of the time, such as *For Men Only (1964),* and *My Wife is a General Director (1966),*[84]depicted the issues raised by the presence of women professionals in formerly male work environments. Yet, the figures of working women, ubiquitous in the press, popular culture, and the regime's self-presentation, were out of proportion to the number of women who were working. Despite the passage of extensive legal provisions aimed at guaranteeing women's right to work, and the economic and social policies that opened opportunities for women in the expanding state bureaucracy and newly nationalized industries, the Nasser's regimes attempt at mobilizing women did not result in a massive influx of female workers into the workforce. Overall female participation remained strikingly low (Bier 2011:61).[85]

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[83] Badran, Margot. 2009. *Feminism in Islam: Secular and Religious Convergences*. Oxford: One world Publications, Baron, Beth. 2005. *Egypt As a Woman: Nationalism, Gender and Politics.* Berkeley: University of California Press, and Kholoussy, Hanan.2010. *For Better, For Worse: The Marriage Crisis That Made Modern Egypt.* Stanford: Stanford University Press, and Bier, Laura.2011. *Revolutionary Womanhood: Feminisms, Modernity and the State in Nasser's Egypt.* Stanford: Stanford University Press.

[84] As part of the state's campaign to encourage women's participation in the labor market, many of the movies produced around that time were encouraged to show women in new professional and public roles. By 1966, the Egyptian film industry had been nationalized. The Cinema industry became one of the most important tools of state propaganda at that time. The two comedies mentioned in the quote above, *For Men Only (1964),* and *My Wife is a General Director (1966),* were both coproduced by the state and show strong female characters who venture into professional spaces that was until now occupied only by men. Both movies are still popular and are shown regularly on Egyptian television until now.

[85] Bier, Laura. 2011. *Revolutionary Womanhood: Feminisms, Modernity and the State in Nasser's Egypt.* Stanford: Stanford University Press.

As John Waterbury (1993) pointed out, import substitution and the manufacture of large domestic appliances in state-run factories was the hallmark of the Nasserist state's economic developmental strategy. One tool to achieve both ends was to encourage women to work so that the state could gain from their labor, and encourage Egyptian middle class families to buy domestic appliances, such as stoves and refrigerators manufactured by the state, that would allegedly help make women's domestic role easier (Bier 2011: 83). But the state's economic policy suffered from an over estimation of both the productivity of the labor force and the purchasing power of the new middle class (Waterbury 1993). One unexamined dimension of the failure of the developmental plans carried out by the Nasserist state is the low rates of female labor participation, and the reasons behind them.

While the Nasserist state's polices in this area were designed to encourage women's participation in the growing workforce, women's actual participation in almost all sectors remained low. For educated middle class women, upper level positions in the state's bureaucracy remained exclusively male, while certain professions remained entirely closed to women. Until this day, women cannot serve as sitting judges in Egypt.[86] Women constituted only around 15% of all factory workers by 1974 (Ibrahim 1985: 56). Women's labor in the countryside and informal sector in Egypt is much more difficult to assess as it includes temporary seasonal work and forms of productive household work like making cheese and

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[86] The Egyptian judiciary refrains from appointing women as sitting judges, even though this is not codified in Egyptian law. In 2007, the first 31 female judges were appointed to the bench, mostly serving in the family courts. However, discriminatory practices against women applicants continue, as the Supreme Judicial Council, which is the government body tasked with appointing judges, continue to reject the applications of all women applying to join the criminal department of the public prosecutor's office, from which most junior judges are chosen. In some cases, the council explicitly cited the applicant's gender as the reason for her rejection. For more information on the discrimination against women in the Egyptian Judiciary, see: Kenyon. Peter. 2010. "Female Judges in Egypt battle Against Old Ideas" *NPR*, April 3, 2010 at: https://www.npr.org/templates/story/story.php?storyId=125501126

bread. Still, the consensus among economists of Egypt points to the low participation of women in all sectors of the labor market (Abaza 1987).

The consequences of the failure of the Nasserist's state's mobilization strategy on women's rights were profound. The Egyptian state's project of empowerment through participation in the labor force without altering the structural roots of gender inequality in the private domain did not produce the desired effects. The progressive official discourse on women's labor and role in the public life of the country was marked by a conservative approach towards women's role in the family. The politics of cultural difference that marked the nationalist discourse on gender before independence transformed into what could be termed as politics of nationalist difference in the 1950's and 1960's where women were expected, in the words of a Suhair Al-Qalmawi, one of the first Egyptian women journalists and writers, "to be modern outside the house, and traditional inside of it." (Al-Qalamawi 1963).[87]

One important consequence of such politics of gender was that no single attempt to reform Egypt's personal status laws was made in the 1950's and 1960's. Several attempts to put forward potential reforms to the Egyptian family law under Nasser failed. The failure stemmed from several factors including the lack of political will, the dual nature of the Egyptian legal system where family law represented the mark of cultural authenticity, and finally, the inability of women's rights activists, even those from within the ranks of the state, to push forward any new rights claims through the state's own institutional frameworks. The construction of gender relations in the Egyptian post-colonial nationalist setting thus limited the sort of claims that women's rights activists could make on the state in the private realm.

[87] Al Qalamawi, Suhair, 1963 "Al Fawda Al' Aaqadya fy Mawaqef El Mara'aa Al Arabiya" (The Ideological Chaos Governing the Position of Arab Women) *Al-Hilal,* August 1963.

The prevailing set of gender relations enabled only certain claims that they could make when it comes to women's participation in the public realm. This specific feature of Egypt's postcolonial state feminism would have significant consequences on the women's rights movement's ability to mobilize from within the state channels and would influence the patterns and limits of their mobilization in several important ways. I return to this topic in details in the last section of this chapter.

Unlike the Tunisian experience, the modern Egyptian state never managed to control what judges do or how they chose to interpret certain rules. Most importantly, the regime failed to completely penetrate and control judicial associations and unions, even when it managed to co-opt individual judges (Brown 1997). The tensions between demands for strengthening the rule of law and the fundamental principle of executive dominance through the sovereign "acts of the state" continued to be evident throughout the history of post- colonial Egypt (Brown 1997; Goldberg and Ahmed Zaki 2012). The practical failure of the state to bring courts under its control, resulted in a decreasing capacity to implement many of its own rules. Legal mobilization through the courts became the only viable option for citizens to hold the state accountable for implementing its own rules, and the courts played an important role in channeling citizens' demands for rights to the political elite. Unlike the case of Tunisia, these dynamics belied a weak state that could not enforce its own agents to implement its rules. It was a state that faced serious contestations over its legitimacy, despite a coercive and brutal security apparatus. This situation became much more intensified during the last decade of Mubarak's rule when social and political protest against the regime reached a critical point (El-Gohbashi 2008).

The 1956 post-independence constitution represented a strong blow to the rule of law in Egypt and paved the way for the numerous executive transgressions on the independence of the judiciary that followed. With the enactment of the new constitution, struggles to curb authoritarian power in postcolonial Egypt took on a decisively legal turn (El- Gohbashi 2008; Moustafa 2007; Brown 1997). State law and its courts became a source of resistance and a potential arena for citizens to lodge their claims against the state (El-Gohbashi 2008). The political elite who ruled Egypt, partially because of their military background, sought to control the judiciary and, when they failed, often ignored their own rules and laws altogether to undermine the influence of those very laws (Moustafa 2007; Brown 1997).[88]

The concept of the "rule of law" first entered Egyptian judicial discourse with a very particular meaning: the use of the court system by citizens to lodge suits against officials in other branches of government. This created a situation where the institutional and political implications of law became paramount. It is no mere coincidence that the first stirrings of a modern feminist consciousness in Egypt coincided with the start of a public debate over women rights within the intimate sphere of marriage and divorce. The Egyptian Feminist Union, the first organized expression of a feminist movement on the national level was established in 1923, only a few short years after the adoption of the first modern family Code in 1920, when Egypt was still nominally a British colony (Baron 2005). The 1971 constitution, Egypt's long serving constitution that was in effect until the popular revolution in January 2011, reaffirmed and

[88] Transgressions against the independence of the judiciary is a common theme throughout the history of post-colonial Egypt. The most famous of those attacks occurred in 1969, an incident that later came to be known as the "massacre of the judiciary", and included a series of presidential decrees by Nasser targeting almost every aspect of judicial independence and subordinating it to the rule of the executive" (Moustafa 2007; Brown 1997). While the systematic attack in 1969 appeared to be to stem from the corporate independence of the judiciary as an institution, coupled with the ideological clash between the liberal legality of the judiciary and the aspirations of the regime for socialist transformation, the real motivation behind it was to assert the dominance of the executive, and to ensure its immunity from any form of real accountability.

expanded the powers of the executive yet made some vague guarantees toward liberal legality and the rule of law (Brown 1997:95).

According to several scholars, the reasons for introducing a few liberal constitutional guarantees in the 1971 constitution, including most notably judicial review, was the desire of Egypt's new then president Sadat to attract foreign investment and to signal to the international community that Egypt was on the road to economic liberalization (Moustafa 2007; Brown 1997). The struggle to define the limits of the rule of law took a different turn with the establishment of Egypt's Supreme Constitutional Court (SCC) in1979 (Moustafa 2007; Brown 1997).[89] Thus, while law in postcolonial Egypt did not play a significant role as a tool of the state's social hegemony, the meaning and practice of the rule of law and the political opportunity structures created by the development of a legal system that was relatively independent of the executive meant that spaces for legal mobilization via the law existed in Egypt in ways that it never did in Tunisia. This particular feature of the Egyptian's postcolonial polity, the existence of a tradition of political contestation through the courts, would have profound implications for women's rights mobilization both before and after the January 25 revolution.

This legacy, a product of Nasser's state (1954-1970) and reproduced in slightly different forms during the presidencies of Sadat (1970- 1981) and Mubarak (1981-2011), had far-

[89] While most scholarly explanations of why the court was originally established center on the ways authoritarian rulers have made informed strategic decisions that the rule of law and its institutional infrastructure are guarantees for economic development and the survival of their regimes, what remains clear is that the court did defy the executive on numerous occasions and played a major role in expanding the thick version of the rule of law by establishing itself as an independent branch of government that checks the executive power and seeks to curb its powers (Moustafa 2007.) In several groundbreaking cases that dealt with sensitive political issues the court began to establish a constitutional rule of law. Thus, it may not be an exaggeration to say that if parliamentary democracy, free elections, and guarantees of civil liberties remained theoretical concerns for most Egyptians who have had little experience with them in the past 60 years, the rule of law is a deeply embedded practice of Egyptian political life.

reaching consequences. The private sphere remains an uncontested stronghold for patriarchy. Furthermore, while the state's propaganda kept emphasizing the role played by women in the workplace, it nevertheless always sought to stress that a woman's place was first and foremost at the home. This fact was enshrined in Egypt's 1971 Constitution, particularly in article eleven that read as follows:

> The State shall guarantee harmonization between the duties of woman towards the family and her work in the society, ensuring her equality status with man in fields of political, social, cultural and economic life without violation of the rules of Islamic jurisprudence.[90]

Article 11 deserves special attention because it perfectly sums up the contradictions inherent in the state's feminist project in Egypt. The fact that the constitution emphasizes a woman's duties towards her family, as well as the state's role in helping women to reconcile this duty with their role in the public sphere, proves that the state's vision of feminism is deeply influenced by a belief in the sanctioned nature of the family and in women's traditional roles in it according to certain interpretations of Islamic Shari' a. It should be noted that the same constitutional text appears again in article ten of the short-lived 2012 constitution and again as article eleven in the current 2014 constitution.[91] One important difference in the 2014 edition was the recognition of the state's responsibility to end all forms of violence against women, although it remains unclear how this relates to the reconciliation of women's duties between the public and private spheres and what kind of measures the state will actually implement to ensure that.

The above account of the institutional and discursive history of state feminism in Egypt highlight three important aspects. First, state feminist solutions to the problem of how

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[90] Egypt's 1971 Constitution, Article 11.

[91] Egypt's 2012 Constitution, Article 10 and Egypt's 2014 Constitution, Article 11.

best to ensure the incorporation of women into public led to a new envisioning of the home (private) and of the workplace and the street (public) as gendered spaces. Second, these new imaginings, as expressed in official government discourse, were often contradictory, as they sought to rebalance gender relations without confronting the root causes of gender inequality in the private sphere of the home. Third, because of the previous two aspects, this unresolved contradiction led to the rise of a social discourse, often sanctioned by the state, on how women should behave once they find themselves crossing the boundaries between the private and the public. These included prescriptions on the ways women should carry themselves, how they should deal with men, and what they should wear.[92] The idea that the public space was gendered and that it was male became the dominant logic advocated by the society and uncontested by the state. This marked Egyptian state feminism as an enigma, for it empowered women to enter the public space, yet did not provide the necessary conditions under which their presence could in time lead to substantive improvements in their status.

3) The Women's Rights Movement in Egypt: Mobilizing in the Shadow of the State:

A rich vibrant history of women's rights activism has existed in Egypt since the 1920's. Almost every legal reform introduced by the Egyptian state in the field of women's rights was the direct result of continued mobilization on part of the women's rights movement. But despite this continued and rich history of activism, very little had change in terms of the actual legal rights that women enjoy, especially in the field of marriage and divorce.

[92] For more on the organization of gendered spaces in Egypt and the role of the state's policies in gendering the public spaces and how this related to public forms of gender-based violence, see: Abd El Hamid, Dalia and Ahmed Zaki, Hind. 2014. "Women as Fair Game in the Public Sphere: A Critical Introduction for Understanding Sexual Violence and Methods of Resistance" *Jadaliyya,* July 9, 2014.

Family law has been at the center of feminist activism in Egypt since 1920, the year the country's first modern family law was drafted. In many ways, family law reform had been the defining issue for the Egyptian feminist movement since the nascent stages of the movement itself during its formative years in the early 20th century. It is no mere coincidence that the first stirrings of a modern feminist consciousness in Egypt coincided with the start of public debate over women rights within the marriage, as part of a nationalist preoccupation with cultural difference and the role of women's rights in preserving that difference. The Egyptian Feminist Union, the first organized expression of a feminist movement on the national level, was established in 1923, only a few short years after the adoption of the first modern family Code in 1920, when Egypt was still nominally a British colony. Led by Huda Shaarawi, the Union was one of the first organizational expressions of the women's rights movements in the region. The Union was an independent organization that called for reforms that would make primary education compulsory for girls as well as boys and for women's right to University level education in 1925. Both reforms were successful. The union's campaign for the reform of family law, however, was significantly, unsuccessful (Al-Ali 2000).

The codification of the rules governing the inception and termination of marriage into modern legal codes broke way with the old Islamic legal system that had been practice-oriented and based on a case-by-case type of jurisprudence (Sonbol 2009). While men held exclusive rights to terminate marriages according to the legal traditions and practices that were prevalent in the period prior to the adoption of the first modern family code in 1920, many scholars of Islamic law and history have convincingly argued that women fared even worse under the new legal codes (Sonbol 2009; Tucker 2012). This was mainly the result of two concurrent factors:

a) the introduction of even stricter grounds under which a woman could petition the courts for divorce, mainly through having to prove that some sort of harm had befallen her because of the union; and b) the abolition of the inclusion of stipulations in the marriage contract. Where before, women could at least insert stipulations in the marriage contract itself that would enable them to claim the right to divorce themselves or to prevent their husbands from taking other spouses, the adoption of modern standard marriage contracts, as part of the process of state-building in many Muslim-majority counties gave women fewer opportunities to influence the conditions of the marital relationship or its termination (Sonbol 2009).

The significance of family law in Egypt, both socially and politically, is quite profound. It is the only legislation that is still substantively derived entirely from the doctrines of Islamic Shari'a, despite being organized in a series of civil codes. [93] It is also the only body of laws within the Egyptian legal system that has never been collected in one comprehensive code but was rather created as a set of separate substantive and procedural codes, developed at different time intervals. The result was a tome of a few substantive and many procedural codes that are hard to understand and navigate. Almost one century and many codes later, the core of this legislation remains highly patriarchal in nature. This was the case until the passage of law 1/2000 despite limited reforms in 1976, 1980 and 1985 and despite the ongoing struggles by

[93] The first codification of Islamic family law in the Middle East was the Ottoman Law of Family Rights of 1917. Before the codification of laws, family dispute cases were handled by *Qādis* (learned religious scholars) who settled the disputes according to the doctrines of one of the four Islamic schools of law (*Hanbali*, *Shafi*, *Hanafi,* and *Maliki*). With decolonization and independence, the region witnessed wide scale efforts to codify family laws as part of the agenda of the newly independent states to strengthen their social control and to shape the cultural reproduction of their societies (Welchman 2007). Advocates for the rights of Egyptian women such as the Egyptian Feminist Union tried to incorporate their agenda for reforms in family law into the nationalist state modernization project following Egypt's nominal independence in 1923 (Sonbol 1996; Sonneveld 2011). Those attempts resulted in varying degrees of codification that ranged between complete all -inclusive family codes, incomplete separate set of code, and laws that dealt with a number of subjects separately. In Egypt, those attempts resulted in a series of family codes in 1920, 1923 and 1929, each of them dealing with a separate set of issues as the need arose. Those separate set of laws and regulations were never gathered in one single code, as was the case in other Muslim majority countries. For example, Morocco, Tunisia and Algeria developed comprehensive family codes in a way that never happened in Egypt (Charrad 2001).

women's rights activists to introduce serious reforms to family law (Abu-Odeh 2004; Welchman 2007; Sonneveld 2011).

The last and most significant reform attempt occurred in 1979 when the then first lady of Egypt, Jihan El Sadat, decided to introduce significant reforms to family law, particularly related the conditions under which women could initiate divorce. The new law was issued directly by the president under an emergency decree in 1979, at a time when the parliament was in recession (Welchman 2007; Moustafa 2007). The new law 44/1979 introduced significant amendments to the two-main substantive family law codes (Law 91/1920 and law 25/1929). Women's grounds for divorce were expanded in the case of proven polygamy on part of the husband. For the first time, women were allowed under the then new law 25/1979 to file the court for divorce if their husbands took second wives without their knowledge or consent (Hill 1979).

The new law 44/1979 did not survive for long. In May 1985, the Supreme Constitutional Court of Egypt (SCC) struck down law 44/1979 on procedural grounds, under the pretext that there was no necessary ground for the president to declare emergency at that time. As part of its verdict, the SCC court argued that the law represented an incident of executive transgression over the legislature (Moustafa 2009; Abu-Oudeh 2004; Bernard-Maugiron and Dupret 2002). The unconstitutional passage of law 44/1979 represented the only instance of a top-down reform of family law in the history of the postcolonial Egypt. Several months later, the legislature replaced law 44/1979 with a new procedural law, law 100/1985. Law 100/1985 represented a major legal setback for women seeking divorce in Egypt since it limited the grounds under which Egyptian women could apply for divorce before the state courts, yet again.

A rich scholarship on legal mobilization has focused on the place of law as a symbolic tool in relation to social movements (McCann 1994; Rosenberg 2008; Chua 2012). Most of these studies tend to explore legal mobilization in either western or highly westernized (centralized) legal systems where conditions of legal pluralism are not manifested institutionally. While all societies exhibit a degree of legal pluralism, according to Merry, post-colonial states vary widely in the ways and degrees to which their legal systems reflect this plurality (Merry 1988: 870). In the Egyptian case, a dualistic personal law system where Islamic was explicitly codified only in the area family law, created a condition of legal duality. This specific institutional arrangement had its origins, according to Abu-Odeh, in "the process of transplanting European civil law system onto Egypt, the Egyptian legal system was rendered into a predominantly secular system except for family law, understood to be derived from religious law." (Abu-Odeh 2004:146). Yet paradoxically, while the specific features of the legal system provided a constraint for institutional reform, a rich tradition of legal mobilization through the courts enabled women's rights activists to contest some of those institutional blocks to reform.

The rise of a feminist movement in early twentieth century Egypt was the product of the rise of a new middle class (Kholousy 2010; Baron 2005). Since the early beginnings of this movement, the movement targeted family law as a site for gender inequalities and called for reform in the laws governing the age of marriage for women, men's unlimited access to divorce and child custody (Baron 2005). While upper class elite women led this first wave of the Egyptian women's rights movement, it was, nonetheless, an autonomous, independent movement from within civil society (Baron 2005). Those early advocates called for legislative and policy reforms and ran networks of charitable assistance to underprivileged

women. They also played a huge role in mobilizing resources to encourage women's education (Baron 2005; Nelson 1996). It is important to note here that recent studies of the history of the Egyptian women's rights movement stress the diverse and hybrid identities that many of the figures of this movement acquired and represented. While the Egyptian women's rights movement was accused throughout its history of westernization, recent studies point to the different ways in which that movement was deeply rooted in indigenous culture (Baron 2005; Nelson 1996). One important way in which the movement was deeply embedded within Egyptian realties was its preoccupation with family law, which became synonymous with an occupation with Islamic Shari'a as result of the institutional set-up of Egypt's dualistic legal system. [94]

In fact, the Egyptian feminist movement attempted to reform from within the political structure set Egypt's dualistic legal system. This made it difficult for this movement throughout most of its history to escape what Lama Abu-Odeh terms as the "trap of identity debates" (Abu-Odeh 2004). Since they operated within a legal system where family law became a mark of nationalist/cultural exceptionalism, it became a delicate balancing act for the movement to frame their demands in ways that deflect those accusations. Moreover, as Baron (2005) and Marsicoti (2008) point out, the perceived dichotomy of indigenous versus western often reflects other local tensions such as class issues as much as they are about culture. As will be further elaborated in chapter five of this manuscript, the Egyptian

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[94] I borrow the historical outline of the Egyptian women's rights movement in this section from Kamal (2016), who characterizes four different waves of the Egyptian feminist movement from the 1920's and up until the post-revolutionary period. For more on this history, see: Kamal, Hala. 2016 "A Century of Egyptian Women's Demands: The Four Waves of the Egyptian Feminist Movement" In *Gender and Race Matter: Global Perspectives on Being a Woman.* Published online: 25 Aug 2016; 3-22.

women's rights movement has historically operated within a confines of a legal system that ties women's rights to notions of national and cultural authenticity. Balancing the movement's survival and outreach with its ability to introduce reforms meant that law mattered historically to this movement. Their relation to law, however, is complex. As both a source of oppression and legitimacy, state law represents a constraint on the movement, both in terms of the difficulties of reform from within such a dualistic legal system and in its ability to organize independently. However, law matters also in its absence, perhaps more than its presence, since legal and institutional reform in the field of women's rights had been the goal of Egyptian feminists since the 1920's. The ambiguities inherent in the state's model of weak paternalism had historically produced implications for feminist politics in Egypt, since it needs to work both through the state channels and against it at the same time. This model of the state's gender policies would have long-term effects on both the patterns of women's mobilization and the outcomes of it.

Throughout the 1930's and 1940's, the Egyptian feminist movement grew and began to attract advocates among the women of the rising middle classes, who benefited from the increasing educational opportunities available to women at the time (Nelson 1996). The tension between the increased professional and educational opportunities that opened to middle class women at that time and their limited rights within their marriages fueled attempts to reform family law and signaled the beginning of a new more radical wave of the women's rights movement (Baron 2005). Among the most important feminist figures of that time was Doria Shafik (1908-1975), an Egyptian feminist and political activist. Shafik founded an important independent feminist organization, "Daughters of the Nile Union," in 1948 and was the active figurehead of a movement that fought for suffrage, set up programs to combat illiteracy,

provided economic opportunities for lower-class urban women, and raised the consciousness of middle-class university students. Among Shafik's most daring political acts was leading 1500 women who stormed the parliament demanding full political rights, including the right to vote a reform of the family in 1951, and engaging in a in a hunger strike for ten days in protest of a constitutional committee on which women were not permitted any places (Nelson 2015). In 1957, and following her hunger strike in protest of 1952 military coup, she was placed under house arrest, and entered a long period of seclusion that ended with her suicide in 1975 (Nelson 2015).

Shafik's sad fate was emblematic of whole generation of Egyptian women's rights activists who were active in the interwar period and up until the 1950's and who had to witness the dismantling of their organizations and their activism by 1954. Paradoxically, the Egyptian state under Nasser strongly championed women rights at that time as part of its socialist modernist development project, yet highly constrained and repressed independent autonomous women's rights movements. The Egyptian feminist Union was demoted to a women's rights charity organization in 1966 and renamed the "Huda Sharawi's Association" (Nelson 1996). Its activities were significantly curtailed. Most other women's right's activists and groups of that time were also silenced.

By the early 1950's, a new era had started for the feminist movement as well as for Egypt as a whole. The 1952's military coup led by Nasser was marked by the abolition of all political parties and civil society associations (Baron 2005). The second wave of the feminist movement was marked by confinement within the state's institutions and few independent women's organizations of any kind. Because of the general tightening of restrictions on the exercise of political rights and liberties, organized feminist activities in Egypt almost ceased to exist

(Nelson 1996). While Egyptian women nominally benefited from the Nasserite regime's socialist policies of expanding universal education and guaranteed full employment opportunities for university graduates, including women, the failure of the regime's economic policies led to a parallel failure of the state's project of state feminism (Badran 1995; Bier 2011). Instead, a model of weak state paternalism, where the state's propaganda champions women's participation in public life without providing the necessary conditions to achieve this and completely refrains from reforming the laws governing the private sphere, became dominant.

By the mid 1970's, although the state had adopted a program of gradual economic liberalization, it nevertheless maintained a tight grip on the right of association, making it difficult for independent women organizations to emerge. This situation continued into the late 1980's, a time that witnessed a shift in the state's relation with independent civil society initiatives in general. The economic retreat of the state, in terms of welfare services provision starting from the late 1970's has led it to loosen a bit of its control over private initiatives, particularly those that work in the field of social and economic welfare provision. This period witnessed the proliferation of several independent women rights organizations working in the field of direct service provision or advocacy that were heavily dependent on international foreign funding. The introduction of significant international funding and support from global women's rights advocacy networks into the scene have led to a shifting of the structural constraints that independent women rights groups and movements faced in their struggle to elicit formal policy concessions that would lead to gender equity in the sphere of the family and elsewhere.

One of the main results of these new developments was the opening of more spaces that

enabled different independent women groups to participate. This was coupled with an increased politicization of women's rights agendas in the now larger struggle between authoritarian states like Egypt and their international critics (Welchman 2007). As the regime came more under pressure (although sporadic and inconsistent) from the US and the EU to show a commitment to democratization, it responded by opening limited spaces and accommodating some reform demands but in a manner which did not pose a threat to the status quo or the ruling elite. While the political space allowed for mobilization by non-state actors remained tightly controlled, the state nonetheless needed to give sufficient "evidence" to its critics and allies that it was committed to democratization while unpredictably contracting and expanding the parameters of this space depending on its own estimate of the level of threat it faced (Moustafa 2007). This new international dimension gave women's rights activists a new space from within which they could engage the government in changing discriminatory policies and laws.

New forms of mobilization became possible as those spaces increased and as new types of actors began to appear on the scene. A new generation of women's rights activists, armed with both knowledge of international standards for the protection of women's rights and intimate knowledge of local circumstances that became possible only through those new spaces, began to challenge the restrictive atmosphere under which non-state actors had to operate. This time saw the establishment of several women's rights groups and organization that would later come to play a major role in post-revolutionary Egypt. These included the New Women Foundation (NWF), and El Nadim Center for the Rehabilitation of Victims of Violence, and the Center of Egyptian Women Legal Aid (CEWLA). This third wave of Egyptian feminists was more intersectional in its approach to women's rights, taking into

considerations issues of class, sexual orientation, and race in ways that were unprecedented in the history of the women's rights movement in Egypt.[95]

Later, in the early 2000's, several feminist groups began to form and some of them turned into non-governmental organizations, including Nazra For Feminist Studies (NAZRA). What is significant about this third wave of Egyptian feminism is that it tackled other issues for the first time. These issues included women's citizenship rights and different forms of violence against women, a taboo issue until then. This wave also attracted different types of women and became more diffused over many women's associations, independent women's rights groups, and professional women's associations that provided a diverse number of services and activities (Tadros 2005; Bier 2011).

The year 2005 was a turning point for this new wave of feminist activism. Mounting mobilization against the Mubarak regime began with women's rights organizations playing an integral part of an emerging pro-democratic movement (Sorbera 2016). Significantly, that year there was a rise of serious episodes of sexual harassment of women political activists. On 25 May 2005, also known as "Black Wednesday", women journalists were sexually assaulted when protesting constitutional amendments, aimed at strengthening Hosni Mubarak' s position in power (Ahmed Zaki and Abd El Hamid 2014). Egyptian national state-controlled media conducted a campaign against one of the victims of the assault, the journalist Nawal Ali, who was beaten and harassed by plain-clothed security agents in broad daylight (Ahmed Zaki and Abd El Hamid 2014). At that time and as part of a wider human rights movement, women's rights organizations began to tackle the phenomenon of sexual violence in the public space in Egypt, pointing to the parallel use of sexual violence as standard operating procedure by the

[95] I return to the women's rights activists collective awareness of intersectionality, and how it influenced the ways those groups defined themselves and their feminist activism in chapter five of this manuscript.

state security apparatus against both men and women (Carr 2014).[96] This third wave of women's rights activism in Egypt paved the way of a fourth wave of grassroots-based mass activism around gender-based violence in post-revolutionary Egypt. This wave would bring the women's rights movement in direct confrontation with the Egyptian state. Women's rights activists managed to put the problem of violence against women, including that of public sexual assaults, on the agenda of the state after the January 25, 2011 revolution.

To sum up, four important features of the relation between the state and the women's rights movement in Egypt remain constant throughout the history of the postcolonial state. First, Egypt's model of weak state paternalism had one important consequence on the outcomes of women's mobilization: state élites' responses to women's mobilization remained very limited, especially in relation to the rich scope and history of this mobilization. Second, while legal mobilization featured heavily as a tactic in the efforts of the woman's rights movement , and while it did win them important legal victories like law 1/2000, the lack of will and capacity for states implementation meant the policy effects of these victories, unlike the Tunisian case, remained limited (Al-Sharmani 2007). Third, this specific model of state-movement relations, coupled with the special place that women's rights, in general, and family law, in particular, occupied within the Egyptian legal system meant that the women's rights movement often found itself mobilizing outside state institutional channels, making the Egyptian case closer to the feminists "outside the state" model discussed in the previous chapter. However, this also meant that the women's rights movement often found itself, the subject of the state's repressive measures. This became even more evident following the rise of the mass movement against gender-based violence, one that put the women's rights

[96] For more details on public forms of gender-based violence in Egypt, and the attempts by the women's rights movement to mobilize against it, see chapter five of this manuscript.

movement in direct confrontation with the state, yet enabled them to win important symbolic gains for the movement and for women's right. The extra-institutional tactics of this movement, their framing of their claims, and the role that they played within broader revolutionary politics in Egypt is detailed in chapter five of this manuscript.

IV. Conclusion:

This chapter analyzed the consequences of two different models of state feminism and state-movement relations. It showed that the ambiguities inherent in each of the two models discussed have had significant implications for the ability of the women's rights movements in each case to mobilize for women's rights. In Tunisia, a model of strong state feminism meant that women's rights were governed exclusively by the state. While this resulted in a set of formal legal rights for Tunisian women that remain unmatched to this day, it created a paradox for the women's rights movement in Tunisia. Tunisian women did not mobilize on a large scale around women's rights issues until the late 1980's, a fact that resulted in a dependency on the state's institutional and discursive logics of action when it comes to women's rights, a fact that would have important consequences for women's mobilization following the Jasmine revolution of 2011. The women's rights movement was able to make creative use of the rich historical legacies of state feminism to push forward new rights for women, but it was ironically unable, because of this same historical experience, of holding state agents accountable for their violations of women's rights. On another level, the subjectivities of women's rights activists in Tunisia, most of whom came of age under Bourguiba's progressive and feminist state policies, were shaped by this unique model of state feminism. This resulted in a set of contradictory effects that in turn challenge

the assumption that the postcolonial nation-state represents one homogenous entity that produces uniform consequences on its citizens, in that case its women. The rest of this manuscript provides a full analysis of those contradictory effects.

In Egypt, by contrast, a rich and older women's rights movement that dates to the early twentieth found itself contending with a model of weak state paternalism where family law and women's rights were largely regarded as the purview of national exceptionalism, in an otherwise secular legal and judicial system. The failure of the postcolonial state developmental model, coupled with the lack of a strong legacy of state feminism, meant that the women's rights movement had limited tools at its disposal to push forward more legal rights for women. Despite that, most of the limited reforms achieved in the fields of women's rights in Egypt resulted from pressure from women's rights activists. This historical model of weak state paternalism also had contradictory consequences for the ability of the women's rights movement to mobilize for more rights following the January 25 revolution. The Egyptian women's rights movement, as part of a large-scale mobilization around gender-based violence, mainly operated outside the formal institutional channels of formal politics. More importantly, on subject-formation level, Egyptian women's rights activists developed activist identities that put them in direct conflict with the state in the context of the political transition that characterized the post 2011 years. A comparative examination of the efforts of feminists to mobilize for women's rights reveals the complex ways in which hegemonic understandings of rights and legacies of state feminism shape ways in which relevant actors, including feminist activists, understand women's rights in surprisingly empowering ways that open new possibilities for social change.

The rest of this manuscript will illustrate the various ways in which those two historical models of the state's gender policies, as expressed in the form, content, and intentions of state laws, policies, and elite narratives on women's rights, defined and constrained the terms of the debate on women's rights and their abilities to mobilize following the Arab spring in Egypt and Tunisia. While most explanations for why and how feminist mobilization develops tend to focus on structural factors, or on rights-based mobilization, this manuscript develops a critical approach that analyzes state's official pronouncements and policies, not only as a site for state's hegemony, but also as resources for resisting and redefining the state's monopoly over the production of social and political practices and discourses. In this sense, the hegemony of state official law is partially unstable, rife with contradictions, and by necessity adaptive over time (Chatterjee 1993). Thus, the spectrum of texts, including the constitution; the laws governing women's rights in the public and private spheres; and state documents and decrees shaped not only the material conditions that campaigns for women's rights face but also the structural limits to their agency. Besides, those state discourses, including but not limited to laws, are institutionalized as practices, even when significant resistance to them exists (Merry 2000;Kantola 2006; Manning 2006; Bier 2011;). Such institutionalization does not mean, however, that no creative adaptation of the parameters of such projects is possible. As the next three chapters will show, women's rights activists in both countries negotiated with those legacies, adopting and using them at times, and challenging them at other times. In the process, they managed to redefine the scope and meaning of women's rights in contemporary Egypt and Tunisia.

CHAPTER THREE

THE UNLIKELY POTENTIAL OF POLARIZATION: RENEGOTIATING LEGACIES OF STATE FEMINISM IN TUNISIA AND EGYPT'S POST-REVOLUTIONARY CONSTITUTIONS

I. Introduction

It was a rainy day in Tunis in January 2014, and it had been pouring for hours as I made my way to the office of Ms. Elhem.[97] As I was waiting in a sleek office in one of Tunis's northern more affluent neighborhoods, I ran over my notes and wondered about the complicated character whom I was finally about to meet, after numerous earlier failed attempts. Ms. Elhem had an impressive resume: she is an esteemed civil rights lawyer and a founding member of Tunisia's two leading women's rights organization: AFTD (The Tunisian Association of Democratic Women), and AFTURD (The Tunisian Women's Association for Research and Development). Even more impressive, this veteran feminist lawyer had undergone a serious political metamorphosis in the wake of the Jasmine Revolution of 2011, joining Tunisia's secular majority party, "Nidaa Tounes", and winning a seat the in Tunisia's 2014 legislative elections.[98]

One of the burning questions I had for Elhem on that rainy day, concerned the manner

[97] Throughout this manuscript, interviewees have been given pseudonyms to preserve their anonymity.

[98] Nidaa Tounes or the Appel de la Tunisie; usually translated as "Call of Tunisia", is a large secular party that was founded in 2012, as a coalition of several diverse and smaller secular parties. The party won a plurality of seats in the October 2014 parliamentary election. The party's founding leader Beji Caid Essebsi was elected as President of Tunisia in the 2014 presidential election. Nidaa Tounes went through a series of internal splits and resignations in early 2016, causing it to lose the majority in the parliament. Despite its original purpose of confronting Ennahda, Tunisia's largest Islamist party. Nidaa Tounes formed a coalition government with the Islamist party after winning the 2014 elections, leading a number of its parliamentary members to resign from the party. Ms. B was among those parliamentary members who resigned from the Nidaa, mainly over its rapprochement with its main political rival, Ennahda.

through which women's rights advocates, like her, managed to reinvent themselves in the wake of the Jasmine Revolution and play such an important role in garnering new constitutional rights for Tunisian women. In the period following the ousting of former President Ben Ali in January 2011, women's rights advocates were often vilified for allegedly supporting the old regime. While secular groups benefited historically from the state's support for women's rights under the authoritarian regime, the nature of Tunisia's state feminism remained strictly top-down and intolerant of independent women's organization. Despite continuous harassment from the state security, most veteran women's rights activists found themselves in the unenviable position of having to defend themselves against accusations of being complacent towards massive human rights abuses committed by the old regime, in exchange for the official patronage shown to women's rights under Ben Ali.

Over the course of a lively interview that lasted over three hours, Elhem provided one of the most valuable insights on Tunisian politics that I heard during one year of fieldwork in the country. Responding to one of my questions about her personal views on the historical project of state feminism in Tunisia and what it means for women rights, Elhem declared:

> I don't tell this to everybody. It is not popular to say this now after the Jasmine revolution, but I will still say it. I think that the authoritarian regime under Bourguiba (the founder of the post-colonial Tunisian state) constructed the very foundation of our struggle for women's rights in so many ways. The regime had been authoritarian, brutal and it did make use of women's rights to improve its image abroad. However, there is no denying that Bourguiba went further than anyone else in promoting women's rights, both in the public and the private spheres. *It is important here to differentiate between the regime and the state.* I think that I speak for a whole generation of women in Tunisia when I say that if it was not for state-sanctioned women's right laws and regulations, including the personal status code of 1956, I don't think that a women's rights movement would have even existed. *In more ways than one, we are the product of state feminism*. Now, there is an organized attack on this legacy, and we need to safeguard those rights against those who want to shift the nature of the state itself radically: the Islamists.[99]

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[99] Author's interview with Elhem, a former member of the Tunisia parliament, lawyer and feminist activist, Tunis, 17 January 2014. The emphasizes in Italics are mine and highlight the two main points discussed below.

To further her point, Elhem offered to share with me an unpublished article that she had written in September 2010, only a couple of months before the outbreak of the Jasmine revolution that ousted former president, Ben Ali. As a well-known member of the leftist opposition Elhem felt worried about publishing the article, since some might interpret it as a defense of the Ben Ali regime. I finally received the article via email a few days after our interview. In a lucid and clear narrative, Elhem pondered over what she termed as “the predicament of the secular opposition in Tunisia”: mainly the secular opposition's inability to acknowledge the progressive orientation of the post-colonial authoritarian regime, especially when it comes to women’s rights.[100]

Furthermore, Elhem stressed that as a Tunisian woman of a certain generation, she felt quite split. On the one hand, she felt partially grateful for the efforts of the Tunisian state around women’s rights. On the contrary, as a human rights activist and part of the democratic movement in Tunisia, she opposed the Ben Ali regime for its authoritarian, anti-democratic nature. Elhem further argued that the regime and the secular opposition shared more than they both prefer to admit: a secular progressive modernist social agenda. Their only genuine disagreement, according to her, was over the pressing need for democratization and respect for fundamental rights and freedoms.[101] Ending the article with a surprisingly enigmatic prophecy, she calls on the Ben Ali regime to join hands with the secular opposition, before it became too late to prevent the Islamists from reaching power, and radically shifting the identity of the Tunisian state.[102]

[100] Unpublished article by Elhem, personal correspondence with the author via email, January 19, 2014. (Author’s Translation from Arabic).

[101] Ibid.

[102] Ibid.

This detailed quote above point to largely ignored factor in scholarly debates over the gendered outcomes of democratic transitions. While there are strong theoretical reasons to anticipate that democratic openings will yield more gender equality, many scholars studying a variety of cases find that democratization has done little to improve women' s political influence within the state or increase the scope of their rights, even when women were active participants in the political transition (Einhorn 1993; Waylen 2007). Subsequent waves of democratization in Eastern Europe, Latin America, and more recently the Middle East, seem to confirm this trend.

Studies based on in-depth case studies (Walsh 2010), or comparative cross-national comparisons (Viterna and Fallon 2008; Weldon 2002) question the assumed correlation between democratization and gender equity. While significant variations occur across time, space, and region, making it difficult to assume a linear path between democratization and gender equality, most of the literature focuses on structural factors, whether domestic or international, that might aid or impede women's rights. Scholars highlight several structural factors as specifically important in making democratic transitions more women friendly. Such factors include the context of the transition itself, its outcome, whether it is complete; the role of political parties; the past legacies of women's mobilization; and international pressure (Viterna and Fallon 2008; Waylen 2007). But while several studies argue that a combination or one or more of those factors could explain democratic outcomes that are women-friendly, a few studies focus on the role of projects of state feminism, not only as institutional legacies, but also as ideologies and organizational structures that generate different state outcomes for women during precarious political transitions [this sentence

needs to be clearer]. The ideological dimension of political and legal mobilization, including the processes through which actors situate themselves in relation to historical events, and how they renegotiate and in the process, construct common political identities based on an imagined common past, remains mostly understudied and untheorized whether in democratic or non-democratic contexts (Pedriana 2006; Olick 2003).

Elhem's long quotes and the excerpts from her article highlight two important points related to public debates on women's rights in post-revolutionary Tunisia and beyond. The first point is Elhem's insistence on differentiating between *the regime and the state*. To her the regime is changeable, while the state is permanent. This necessitates a different political engagement with the state, one that acknowledges its pro-women's legacy, while at the same time, critiquing the top-down manner in which it was implemented. Tunisia's post-colonial state feminist project introduced a paradox for women. Since most of the reforms advanced by the state in the 1950's and up until the 1970's benefited women directly, even those who opposed the state politically, have admitted, sometimes reluctantly, that the Tunisian state was historically, women's strongest ally. Elhem's stress on the need to separate the *regime* from the *state* speaks to the importance of understanding specific nationalist projects of state feminism, as more than a mere constellation of national policies and laws. Beyond thinking of state feminism as a set of laws and policies, there is a need to analyze the different ways in which those projects enabled (or not) the emergence of the sort of claims that women themselves could make for inclusion. State feminism creates a large social and political umbrella under which countless struggles to define the meaning of women's rights in one specific nationalist context takes place, in ways that sometimes extend beyond the intentions of a certain regime or political elite. In many post-colonial settings, institutionalized formal

gender politics provided the discursive means and the material tools through which generations of women activists mobilized for their rights in a variety of different ways (Chatterjee 1993; Merry 2006; Bier 2011).

A second related point highlighted by Elhem is the multiple identities that women acquire, sometimes within the same social movement and the shifting of those identities over time. How does an actor, for example, come to see herself as feminist, and as a politician? Are these two identities complementary or mutually exclusive? How does Elhem reconcile overlapping identities of the women's advocate, the party activist, and the lawyer? Most important, how does self-identification with a cause or a norm influence the tactics of women's rights advocates at crucial critical junctures like democratic transitions? While a number of scholars highlight the important role played by women's rights activists and movements in bringing about democratic transitions and in negotiating post-transition political and legal gains for women (Walsh 20102; Baldez 2003), few studies have attempted to analyze complex processes of identity formation that have often formed a critical dimension of hegemonic state projects, and how such processes have influenced how actors see themselves and act at critical historical junctures (Manning 2006; Olick 2003).

This chapter examines one important and often neglected component of post-transition political settlements and their effects on women's rights: the role of past legacies of state feminism. I combine an institutional-historical analysis of the organizational, discursive, and subjective effects of state hegemonic change with a critical treatment of subject-formation to explain the politics of contestation around women's rights at a critical political moment where debates about the identity of the state and its laws acquired a heightened level of political importance. I focus on the constitutional drafting process in both Tunisia and

Egypt (2011-2014) to analyze the ways in which feminist activists negotiated within institutional arrangements and used past legacies of state feminism to push forward demands for stronger constitutional guarantees for women's rights.

In the first part of the chapter, I focus on the mobilization around Article 46 of the 2014 Tunisian constitution that guaranteed electoral parity between men and women at all levels of elected councils. This chapter adopts an actor-based interpretive approach to analyze how feminist political actors defined their engagements with the state and how hegemonic state discourses shaped their identities and political agendas.

In the second part of the chapter, I analyze the parallel constitutional drafting process in Egypt. The 2013 military coup in Egypt and the intense political polarization that followed it, ironically, provided women's rights advocates with limited openings that some were quick to make use of to negotiate for more rights for women. I argue, however, that the failure to push forward substantive new rights for women resulted from the more ambiguous nature of state feminism as a historical and political project in Egypt, an ambiguity that limited the actors' abilities to make strategic use of shared past legacies of women's rights to negotiate new substantive rights for women.

Empirically, I draw upon extensive field work in Tunisia and Egypt that included both archival research and 100 in-depth interviews that I conducted between 2013 and 2014 with women's rights activists, politicians, judges, and state officials. The rest of the chapter proceeds as follows: the first section examines the ways in which feminist activists in Tunisia negotiated within the institutional arrangements and past legacies of state feminism to push forward their demands for stronger constitutional guarantees to increase the scope of women's rights in the aftermath of the Arab spring.

The first section of this chapter pays attention to the ways in which women's rights advocates, made creative use of past legacies to widen the scope of women's legal rights. The focus here is on the discursive framing efforts of feminist activists and how their efforts combined past discursive frames with newly invented ones. I consider the text of the 2014 Tunisian constitution as a site of contestation over different formal and legal articulations of rights. In this context, I examine how Tunisian feminists made novel discursive claims in the constitution's text, through analyzing the legal opportunity structure and how it provided opportunities and constraints for the feminist constitutional agenda.

The second section analyzes the parallel constitutional drafting process in Egypt, and chronicles the attempts by Egyptian feminists and pro-women's politicians to influence the texts of the 2012 and 2014 constitutions, despite their low representation in the constituent assemblies at both times.[103] Unlike their Tunisian counterparts, and despite tireless efforts by both the women's rights movement at large, and the small group of feminist politicians who were members of the constitutional drafting committee known as the "Committee of Fifty", women's formal gains were limited and their influence on the political process of writing the constitution was weak. I argue that the reason behind this lies in the inability of feminist activists in Egypt to make broader appeals to the historical legacies of state feminism due to the ambiguous nature of those very legacies. While the feminist movement in general, and the feminist politicians, in particular, did their best to appeal to the role that Egyptian women at large had played in the context of the revolution, they had to contend with an ambiguous project

[103] The percentage of women's representation in the 2012 constitutional assembly that was elected by the Muslim Brotherhood controlled parliament was around 6%, while their percentage was 10% in the constitutional drafting body known as the "Committee of Fifty" in 2014. While the aggregate percentage of women remained low in 2014, the composition of the committee and the fact that it included three prominent feminist activists and femocrats who worked for the state enabled some form of feminist influence on the constitutional drafting process, albeit with limited results. For more details see: http://www.aljazeera.net/news/arabic/2012/3/26

of state feminism that did not provide them with much discursive tool or institutional spaces to influence this process.

As previously discussed in detail in chapter two of this manuscript, Egypt's subsequent constitutions have conceptualized women's rights in two main ways: (a) as means to protecting the family as the first unit of the nation; (b) as one of the state's primary legitimating tools to monopolize and control Islamic law and appease the Islamic opposition. The political and legal parameters of women's rights, as manifested both in the different personal status codes and in the subsequent constitutions of Egypt came to occupy a position of great political importance to subsequent regimes in Egypt. This continued to be the case in the texts of both the 2012 and 2014 constitutions, despite the limited gains achieved through feminist constitutional mobilization in the later. This historical legacy of state feminism in Egypt inhibited the ability of Egyptian feminists to negotiate and push for more formal rights for women. I argue, however, that the failure to push forward substantive rights for women resulted from the more ambiguous nature of state feminism as a historical and political project in Egypt, an ambiguity that limited the actors' abilities to make strategic use of shared past legacies of women's rights to negotiate new substantive rights for women.

The third and final section of this chapter provides an interpretative analysis of subject formation by examining the subjectivities of the feminist activists involved in the process of drafting the constitution. In addition to the two variables above, I argue here that there is a third and often neglected level that explains how counter-hegemonic discourses of rights emerge and take root, that is, identity formation. While it is illuminating to look at the processes of identity and subject formation, I argue that it is important to analyze identity formation, just like culture, as a dynamic, contingent process, whose parameters are

influenced by political contention and social interactions, enabling activists to recast state institutional legacies in a new light. This third section is followed by a brief conclusion.

II. Institutional legacies, State Feminism and the Remaking of Women's Rights: Feminist Negotiating the Constitution in Tunisia:

As detailed in the previous chapter, women's rights emerged as one of the most hotly contested topics in post-revolutionary Tunisia. Despite the apparent contradictions between Islamists and secular feminist approaches, both sides have shared a common desire to reclaim ownership of the women's rights agenda. Though the revolution was propelled to a significant extent by economic concerns, such as corruption, unemployment and widespread lack of economic opportunities for ordinary Tunisians, plans of how to address these issues did not differ much across the political spectrum. Instead, parties put forth their visions for a new Tunisian national identity. Issues like freedom of belief, women's rights, and the secular foundations of the state became critical issues in the post-revolutionary public discourse.

During an uncertain and highly polarized political context, feminist activists in Tunisia were undergoing a massive transformation of their own. On the eve of Tunisia's first election in October 2011, several veteran women's rights activists, who until now had been mostly members of women's rights organization, made the decision to run for the parliamentary elections. Two primary factors motivated the decision of a substantive number of Tunisia's women's rights activists to enter the political arena. On the pragmatic level, many were motivated by the fear that Tunisia's women's rights were under attack, following the rise of Ennahda. On the other hand, several women's rights activists were motivated by a conviction that women's rights were an inherently political issue. One leftist leaning activist

expressed this as essentially a belief that women's rights are deeply political, particularly given the history of the Tunisian state and its legacy of state feminism:

> I don't understand how some feminists believe that the feminist movement should be apolitical, or only rights-based. A feminist movement is about the social order and the political order, and the relation between the two. Discrimination against women starts from below and is either enabled or constricted by the state. In Tunisia, women's rights were an integral part of the state's political agenda and are thus promoted or enabled mainly through state channels. To influence how those rights are implemented or to push for new rights, one must do formal politics. There is no other way to achieve that, given the monopoly of the state over women's question. The difference now is that we can run for elections and form political parties more freely. That was not the case in the past.[104]

The above quote demonstrates how Tunisian feminists saw their activism as an attempt to influence state policies through new political avenues that were not available before the democratic opening. However, instead of choosing to mobilize on a wider scale (Baldez 2002), or form boarder women's rights coalitions (Viterna and Fallon 2008), they opted for formal representation through electoral policies. The 2011 elections for the Constituent Assembly thus represented a chance for them to enter the political arena, especially with fears that Ennahda would sweep the elections and that secular political actors would be left out of the spheres of political influence. While they saw formal politics as a mean to achieve their goals, many of them also feared that the nature of the state was changing to the extent that they needed to adapt to it, and maybe "prepare themselves for the worst", in the words of one feminist activist who ran for one of the newly formed secular parties competing in Tunisia's first democratic elections.[105]

To many, this was a moment of reckoning. Many secular-leaning Tunisian feminists felt that the rise of Islamists to power would mean that women's rights would come under

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[104] Author interview with Sehem, member of the Tunisian National Constituent Assembly (NCA), Tunis, January 23, 2014.

[105] Author Interview with Yusra, Tunisian feminist activist and candidate in the 2011 elections, Tunis, August 4, 2013.

attack. This feeling was further exacerbated during the political campaigning that preceded Tunisia's elections on October 23, 2011. Though Western media generally applauded Tunisia as a regional leader in women's rights before the revolution, coverage soured during mid-2011, as local campaign coverage grew more ideological in tone. Tunisian feminist groups started a fierce campaign in the media, expressing their fears that Islamists will erode the rights of Tunisian women. Accusations between the two groups centered on women's rights; as prominent feminist groups accused Ennahda of plotting to roll back the "historical gains" of Tunisian women, especially relating to the progressive 1956, "Majla El Ahwal Al Shaksya", or the personal status code.[106] On the other hand, Ennahda and its supporters accused feminist activists of seeking to introduce supra-constitutional guarantees for women's rights and of attempting to play the women's rights card against the popular will of the people, as expressed through the ballots.[107] In the midst of a fierce electoral battle between Ennahda and its secular rivals, women's rights became a terrain over which question of national identity, freedoms, and institutional legacies of the authoritarian regime were played out.

Another factor that added to the sense of alarm over women's rights was the Tunisian and international media coverage of the deteriorating situation for women in Egypt. As Egyptian women began facing a wave of serious sexual violence in Tahrir Square during the fall of 2011,Western journalists and analysts started giving short shrift to the specificities of Tunisian women's situation, instead lumping them into an Egypt-centric narrative that

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[106] The term "*No turning back on the historical gains of Tunisian Women*" became a popular campaign slogan for secular parties in the period preceding the October 23, 2011 elections, and again during the 2012-2013 debates on the complementarity article, or Article 28 of the Tunisian draft constitution. The next section provides a detailed discussion of the significance of this campaign slogan.

[107] Author's interview with Gamila, member of Parliament, Ennahda, Tunis, November 15. 2013.

characterized the Arab Spring as increasingly "bad for women."[108] Tunisia's election results did not assuage such concerns. Instead, Ennahda's winning 41% of the general vote, paired with Islamist victories throughout the region, made it look as if Tunisia was also on the verge of facing the same fate.[109]

But what exactly was at stake here? Tunisia's feminists were fighting to protect what they perceived to be historic gains of Tunisian women. Those gains were translated into several institutional manifestations that included a progressive personal status code (PSC) that outlawed polygamy and made it a crime subject to imprisonment, forced men to divorce and marry in front of the central states' courts, and introduced the most progressive set of rights for women in the private sphere of the family in the whole region (Charrad 2001). However, the real significance of the PSC lies in its particular history and the role it played in establishing the constitutional traditions of the Tunisian post-colonial state. The liberation of women became a central political and legal tradition in the new Tunisian Republic right shortly after independence in 1956. A set of historical conditions during the emergence of the post-colonial Tunisian state led to the creation of a strong and centralized state that embarked on an ambitious modernizing project (Bellin 2002; Charrad 2011). In the aftermath of independence, an active nationalist movement under the rule of Habib Bourguiba, mostly based in the urban industrial coastal areas, managed to defeat their strongest rivals, a conservative, rural, and interior- based coalition that appealed to tribal groups and the

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[108] For examples of such international media coverage see: Isobel Coleman. "Is the Arab Spring Bad for Women?" Foreign Policy, December 20, 2011: http://foreignpolicy.com/2011/12/20/is-the-arab-spring-bad-for-women/ (Accessed on 3/1/2016).

[109] Although Ennahda won 41% of the popular vote, only 51% of all eligible voters in Tunisia turned out on to vote on election day.

religious establishment (Bellin 2002; Charrad 2000). The post-colonial political elite sought to consolidate their rule, mostly by eradicating the tribal and religious power holds and their social and political manifestations. This was done through gaining a monopoly over the making of national policies and laws and by developing strong state institutions that would effectively be able to penetrate society and undermine the social support base of its rival (Charrad 2000; 2011).[110]

This historical experience strongly tied notions of rights and entitlements to notions of state capacity and legitimacy and resulted in the creation of a hegemonic legal discourse and practice that left little space for contestation through the law. These consequences would later impact the feminist movement in Tunisia, creating in the words of one young feminist activist, "a crippling dependence on the state and its institutions to uphold women's rights".[111]

At the center of this process was Habib Bourguiba, Tunisia's first president after independence, and the man largely regarded by Tunisians as the founder of their state. Bourguiba made the liberation of women one of the main goals of the new state. Until this day, the bronze door of Bourguiba's mausoleum in the coastal city of Monastir is marked with the words: *'The Supreme Combatant, the Liberator of Women, the Builder of Modern Tunisia'.*[112]

The reference to Tunisia's founder as the liberator of women sums up succinctly the history of state feminism in Tunisia. As one Tunisian feminist who was born in the mid-

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[110] For a detailed historical genealogy of state feminism in Tunisia, see Chapter two of this manuscript.

[111] Author's interview with Houda, Tunisian feminist and member of AFTD, January 10, 2014.

[112] Bourguiba's Mausoleum in the city of Monastir, is an important nationalist site for Tunisians and one of the largest tourist attractions outside of the capital Tunis.

1950s remembers:

> Bourguiba was the father of the nation. I remember listening to his talks on the radio as a child. I also remember that many of those talks centered on the importance of educating girls. Bourguiba would call upon fathers in less developed parts of the country to send their girls to school. Educating our daughters became an important part of the state's propaganda. It worked because my dad, as well as many others, did send their girls to school. I am not sure I would have been educated today if this was not the case. [113]

Despite the absence of an active movement at the time that the Personal Status Code (PSC) was issued, as the above quote demonstrates, the feminist activists locked in a fierce battle over women's rights with Ennahda's Islamists in 2012 were themselves a product of the above legacy of state feminism. An independent women's movement only emerged in Tunisia in the late 1980's (Labidi 2007). The first stirrings of a feminist movement began in 1978 when several students at the University of Tunisia created a club to discuss women's issues and named it El-Tahir El Haddad's club, after the Tunisian legal scholar who was a pioneer in examining the conditions of women back in the 1930's (Brand 1998). Several women's associations were established soon afterward, all declaring their commitment to protecting the 1956 personal status code and to acting as watchdogs to ensure that Tunisia's women friendly laws remain unthreatened (Charrad 2011). The Association of Tunisian Women for Research and Development (AFTURD), and the Tunisian Association of Democratic Women (ATFD), were established in 1988 and 1989 respectively. The two associations' membership base was mainly comprised of educated middle-class professional women. They focused primarily on advocacy work, research, and media campaigns (Charrad 2011). Other smaller organizations existed in the interior rural areas, but they mostly worked under the umbrella of those two organizations (Charrad 2011).

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[113] Author's interview with Amira, Tunisian feminist and founder of New Voices, a women's rights organization, Tunis, February 24. 2014.

While many feminist activists spoke of years of dealing with repression under the Ben Ali's regime, including arrests, security harassments, and travel bans, Ben Ali reached out to these two largest organizations at the start of his presidency in a bid to increase his base of support among the progressive middle class. At that time, the regime was facing a growing Islamic opposition (Charrad 2011; Brand 1998). Despite their tenuous relations with the regime, most of the feminists interviewed were still reluctant to think of Bourguiba's state feminism as a top-down authoritarian attempt at social engineering. While most acknowledged that women's rights did serve as a tool for the regime to legitimatize its rule, both domestically or internationally, most stated that the reality is much more complex. In the words of one Tunisian feminist activist:

> Such progressive reform almost certainly would not have occurred without Bourguiba's commitment and a very supportive and newly independent citizenry eager to pursue development strategies that promised a better life. At the time, Bourguiba's rhetoric suggested as much, evidenced by speeches that referred to the personal status code as a "revolutionary measure" that may "precede the ability of the citizens to apply it.[114]

The establishment of the Union of Tunisian Women) (UNFT) in 1956 further promoted the model of a women-friendly state, implied in the above quote. In the view of the late feminist scholar Ilhem Marzouki, the primary task of the UNFT was to translate the legal rights of women into state policies, with the assumption that Tunisian women were not yet equipped to exercise those rights.[115] The UNFT carried out a number of programs in the 1950's, including a nation-wide program of family planning.[116] The family planning door-to-door campaign was followed by a law that legalized abortion in 1965 and allowed women to carry

[114] Author's interview with Salwa, member of the Tunisian Constitute Assembly, Tunis, March 12, 2014.

[115] Marzouki, Ilhem.1993. Le mouvement des femmes en Tunisie au XXeme siecle: Feminisme et Politique (Collection Enjeux), Paris: Editions Karthala. (Author's translation from French).

[116] Ibid

out pregnancy terminations during the first three months of pregnancy, with the written consent of the husband.[117] The law legalizing abortion was later amended to give women the right to seek state-funded abortions without a written consent of the husband. While the decision to legalize abortion was mainly motivated by state attempts to lower the rates of both maternal mortality and fertility, feminist activists described the long-term effects of the law as truly empowering to women.

Moreover, many expressed concern at a growing trend since the Islamists came to power, that is, preventing women from access to legal state-sanctioned abortions. “Women are now obliged to go hundreds of miles away from their homes to get a surgical abortion," the head of the reproductive health Unit at The Tunisian Association of Democratic Women (ATFD),[118] said to me during an interview. "Some women even find themselves with no other options than to go to private clinics where the costs of abortion are expensive.[119]

In summary, the Tunisian model of strong state feminism had long-term implications on the ways in which feminist activists envisioned both the role of the state and their relation to it. Three main features of the post-colonial Tunisian project of state feminism stand out

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[117] For more information on the 1965 law, see: Marzouki, Ilhem.1993. Le mouvement des femmes en Tunisie au XXeme siecle: Feminisme et Politique (Collection Enjeux), Paris: Editions Karthala. (Author’s translation from French).

[118] Tunisia has had a long history of being a forerunner in promoting reproductive rights as the first Muslim country to liberalize its abortion law in 1965. In 1973, a less restrictive abortion law was introduced in Tunisia, and the National Office of the Family and the Population (ONFP) was created to direct family planning. In the 1980s, family planning was further integrated into Tunisia’s health care system, with maternal care centers established throughout the country to provide reproductive health services. Legalizing abortion and providing women with state-sanctioned safe pregnancy terminations was part of a multifaceted approach to decrease fertility rates among the population. The strategy seems to work as fertility rates dropped from 7.2 children per woman in 1965 to 2.6 by 2000, according to the UNDP, attributing the fertility drop to a high rate of contraceptive use. For more information on this see: http://www.tunisia-live.net/2013/06/21/new-morning-after-pill-introduced-in Tunisia/#sthash.87HdY9bV.dpuf

[119] Author’s interview with Lamia, head of the sexual and reproductive health unit, AFTD, Tunis, March 27, 2014.

from this analysis. First, the legal and political tools for this project targeted the private sphere of family and sexuality. By recognizing that women's participation in the public life is closely tied to their gender roles in the private sphere, the Tunisian post-colonial state developed a project of state feminism that stressed women's liberation through a right-based legal approach. Most feminist activists believed this aspect of the project should be defended against conservative Islamist attacks, regardless of the paternalistic and authoritarian nature of the state itself.

Second, the centrality of the personal status code in the legal and constitutional history of post-colonial Tunisia points to the close links between women's rights and the legitimacy of the political regime and its ideological basis. Third, the role played by the state's national machinery to carry out the relevant state policies, particularly in the field of family planning, indicates that state feminism in Tunisia touched the lives of women from all wakes of life and had implications that go beyond the legal and the formal.[120]

Nevertheless, the consequences of this rich legacy of state feminism played out in a variety of different ways in the context of the constitutional drafting process between 2011 and 2014. Of particular importance here are the various ways in which feminist activists framed those past legacies and how their efforts combined past discursive frames with new innovative ones. One of the most important consequences of this legacy was the ease through which feminist activists managed to include a clause in the constitution that confirms that state's obligation to combat gender-based violence, since this was already on the agenda of the Ben Ali regime, and was thus seen as a legal given or reality.

[120] For more on the social implications of the Tunisian state's progressive family planning policies in the 1960's and 1970's, see chapter two of this manuscript.

III. The Feminist Constitutional Agenda: Framing the Past in the Context of Islamic and Secular Political Polarization

During Tunisia's constituent assembly's elections in October 2011, a substantial number of feminist activists in Tunisia decided to run for a seat in the constituent assembly. For most of them, the decision to run was not based on individual calculations. As one activist interviewed recalled her experience of running for a seat in her hometown of Zeighwan, a small town less than 30 miles from the capital, Tunis:

> I remember calling for a meeting in this very office. Some of us wanted to meet and discuss the next steps. Ennahda was much better prepared for elections than most of the smaller secular, mostly leftist, parties many of us had joined. We nevertheless decided to have as many candidates among us as possible to run for the elections to select the members of the constituent assembly. Some of us began negotiating with the leadership of our parties. Unfortunately, most of our parties were poorly funded and could not finance our campaigns. Most importantly, many of the parties we joined were reluctant to put women on high position on their party lists. It was a shame really. Ennahda were placing women on top of their lists, and secular parties were reluctant to do so. We were, nevertheless, determined to run in the elections even if we had to raise money for our campaigns. This election was a great learning curve for me, even though I ended losing the seat to another secular candidate. A man, of course.[121]

The quote above demonstrates two important points. The first is that the decision to run for a seat in the constituent assembly was one that was taken by a substantial number of feminist activists of secular leanings. While no data exists on how many female candidates who ran in the 2011 elections define themselves as feminist, out of thirty-five feminist activists that I interviewed between June 2013 and July 2014, eighteen of them did run for elections, and ten said that they wanted to do so but they could not, mostly because their political parties did not agree to put them on the lists.[122] While the above estimation only includes a non-

[121] Interview with Elhem, former member of the Tunisia parliament, lawyer and feminist activist, Tunis, 17 January 2014.

[122] Frustration at their party's decisions not to field female candidates on their lists was cited by many of those interviewed as the main reason behind their decision to mobilize for the parity clause in the constitution. Since they felt that otherwise, most political parties will not voluntarily nominate women.

random sample of women who self-identify as feminist activists whom I was able to reach during the time of this research (June 2013-July 2014), it is nevertheless, indicative of a trend among feminist activists.

The second point is the general reluctance of secular parties to field women as candidates. The frustration of secular female politicians that I interviewed in Tunisia echoes an extensive scholarly literature that focuses on barriers to women's political participation in diverse contexts around the world. This growing sub-field in political science falls into two broad camps. The first camp analyzes factors that increase women's descriptive or numerical political participation through the adoption of electoral quotas or parity laws (Schwindt-Bayer 2005; Wangnerud 2009). The second camp studies women's substantive representation through an analysis of the policy effects of the participation of women in parliaments and governments, as well as the formation of women's rights coalitions across ideological and institutional divides on the local, national, and global levels (Piscopo 2014; Weldon 2006; Baldez 2003).

It is significant to note here that feminist activists in Tunisia framed their demands for increased women's political participation in the language of both descriptive and substantive representation.[123] For them, participation in drafting the new constitution of Tunisia will help them influence its content. Moreover, their demand for a constitutional

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[123] Research on women's participation in politics has tended to focus on two particular interpretations for electing women to office: descriptive representation and substantive representation. Pitkin's *The Concept of Representation* (1967) laid the foundations for theories exploring the connections between these two ideas. Pitkin uses descriptive, or "standing for" representation, to refer to the identifying features that a representative might share with different constituencies, such as race, gender, or level of education. Substantive, or "acting for" representation, on the other hand, describes the extent to which a governing actor advocates for the interests of a certain social group, without regard to shared characteristics. For more details on the two concepts and the relation between them, see: Pitkin, Hanna. 1967.The *Concept of Representation*, San Francisco: University of California Press.

clause that mandates a certain quota for women in elected councils, rather than just a parity article in the electoral laws, reflects their conviction of the importance of placing legal guarantees for women rights in the context of the constitution. Out of the nineteen feminist politicians I interviewed, only four of them ended up in the constituent assembly. The four activists who were elected played a significant role in shaping the content of the constitution, particularly in relation to the text of Article 46 of the 2014 Tunisian constitution.The political contestation around Article 46 represented the most critical battle for women's rights in post-revolutionary Tunisia, and one that yielded a surprising and rather unexpected turn of events. Tunisian feminist activists, outnumbered and not backed by their parties, reached out to form an unlikely alliance across ideological and institutional divide with their political rivals, Ennahda.

Framing Women's Rights in the 2014 Constitution: The Battle around Article 28:

By August 14, 2012, each of the Constituent Assembly's six subcommittees had submitted their drafts to the Coordination Committee, which began to revise these drafts into an original edited and cohesive constitution in September. Three specific articles of this early draft of the constitution elicited varying degrees of criticism: Article 3, which called for the "criminalization of all attacks on that which is sacred"; Article 45, which sought to determine whether "the president should be elected by popular vote or parliamentary vote"; and Article 28, which defined the status of women. The proposed Article 28, as it was formulated in early August, stated verbatim that:

> The state guarantees the protection of women and supports their achievements, considering them as men's veritable partners in building the nation, and the roles of men and women complement one another within the family. The state guarantees equal opportunity between men and women in carrying out different responsibilities. The state guarantees the elimination

of all forms of violence against women.[124]

Before the draft was even released, rumors that Article 28 referred to women as "men's complements" and "associates" (i.e., dependents) leaked from some members of the assembly to the Tunisian and international news media.[125] Article 28 provoked a firestorm of controversy, generating more coverage in foreign French and English language news sources than practically any single Tunisian event in 2012. The conjugated Arabic dual verb "El Takamol", translated above as "complement one another", has a deeper sense of enriching or integrating two parts to form a unified whole. However, given the institutional and legal legacies of state feminism in Tunisia, as elaborated in the previous section, Article 28 implied that women should hold a complementary subservient status to that of men. The article caused a huge outcry among center-left and secular parties and among many Tunisian women from all walks of life.[126] Ennahda responded by fighting back, renting a massive conference hall in downtown Tunis for its widely advertised National Women's Day celebration on August 13, 2012. The event featured an array of eminent Ennahda female leaders who took to the podium and spoke almost for the entire event, in an attIempt to refute claims that Ennahda was male dominated.[127]

However, this initial draft of Article 28 prompted such political controversy that

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[124] The translation of Article 28 of the draft constitution that was leaked in early August was copied form: Marks, Monica. 2013, "Women's Rights Before And After the Revolution in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, ed. Nouri Gana. Edinburgh: Edinburgh University Press, 11.

[125] For more details on the coverage of Article 28 in the local and international media, see: Monica Marks, "Complementary Status for Tunisian Women," Foreign Policy, August 20, 2012: http://foreignpolicy.com/2012/08/20/complementary-status-for-tunisian-women/ (accessed on March 12, 2016).

[126] For a detailed analysis of the reactions against the leaked draft of Article 28, see: Tarek Amara, "Thousands Rally in Tunisia for Women's Rights," Reuters, August 13, 2012: http://www.reuters.com/article/us-tunisia-women-rights-idUSBRE87C16020120814 (accessed on March 12, 2016).

[127] Author's interview with Kawther, female member of parliament, Ennahda, Tunis, 15 March 2014.

Ennahda was forced to issue an official statement stating that the leaked draft of the article was just a working draft (Marks 2013). Female MP's of Ennahda who were part of the drafting commission felt that the article was mistranslated and taken deliberately out of context by Ennahda's political rivals.[128]

Tunisia's active feminist leaders, four of which were by now members of the constituent assembly, saw in the public debates around Article 28 their chance to influence the terms of a public debate on women's rights conducted for the first time in a democratic setting. Feminist activists, both inside and outside the constituent assembly, tried to influence the constitutional drafting process through a two-tiered approach. To achieve this, they framed their demands discursively in the form of a popular slogan that they disseminated through media outlets, public statements, and political speeches in the assembly itself. This slogan was "No turning back the clock on the rights of the Tunisian women". This slogan began to appear in banners during different political events, marches, and public meetings that occurred at that time.[129] Interviewing one veteran feminist activist, a university professor and a writer, I asked her about this slogan. [130] Her reply was demonstrative of the hybrid framing techniques of the feminist activists at that time:

> "No turning back the clock" was meant as a warning to large segments of the society, especially the middle class, that they need to stay vigilant and protect their rights. This is not just about women's rights. It is about the future of Tunisia. The fact that Islamists are coming to power threatens the legacy of progressive politics in Tunisia. We also wanted to send a

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[128] Author's interview with Goumana, female member of parliament, Ennahda, Tunis, 15 March 2014.

[129] Around August 2012, I noticed the presence of this slogan in almost every event I was attending, including several political rallies and women's rights related events in Tunis.

[130] This slogan in Arabic denotes a temporal dimension to women rights, denoting a conviction of the linear understanding of trajectory of rights that is progressive. The image was intended to remind the Tunisian people of the importance of the Tunisian state's legacy of preserving women's rights. This was in direct reaction to what the feminist activists, as well as increasing segments of the Tunisian society, especially the educated urban middle class of Tunisia's rich coastal cities, saw as an attack on the secular progressive legacy of the post-colonial Tunisian state.

> broader message that democracy is not just about the rule of the majority. It is about protecting personal rights and freedoms and setting the necessary constitutional guarantees to be able to do that was essential. Also, we wanted to remind the people of the importance of the PSC and its historical and political legacy. We need to continue this legacy into the future, not go back to the past. [131]

This hybrid discursive framing of the PSC acted as a signifier of Tunisia's progressive past, and the linking of that to the nascent democratic process in Tunisia was a very smart move on the part of the feminist activists. Such a discursive turn allowed progressive forces at large in Tunisia, and not just the feminist movement, to make strategic use of a framing of the past through combining the tactics of legal and political mobilization inside and outside the constituent assembly while framing and invoking the past in new ways. The politics of framing and remembering the past represented an important dimension of the narratives of each group as they sought to frame their political goals to a wider audience (Manning 2006). The Islamic camp in Tunisia, led by Ennahda and its large constituency, often framed the PSC as an evidence of a top-down reform imposed on the Tunisian people against their will, causing an identity crisis within the Tunisian society.[132] To counter the Islamic cultural framing of Ennahda, feminist secular activists decided to frame their opposition to the PSC through invoking Tunisia's legacies of state feminism. The institutional legacies of the Tunisian state were discursively framed in ways that made them resonate with broader segments of the Tunisian population, and not just those who cared about women's rights. As one feminist activist states:

> We managed to create a favorable critical mass of citizens who began to realize that defending the institutional and legal manifestations of state feminism went far beyond the issue of the status of women. Many of those who started attending our meetings and listening to us more carefully in the media, had previously thought ill of us. Some thought that we were just pawns of the Ben Ali regime, or that we were elite women who only cared about women like us, or that our actions are driven by the agenda of the foreign donors who support

[131] Author's interview with Amina, feminist activist, university professor, Tunis, August 12, 2012.

[132] Author's interview with Goumana, female member of parliament, Ennahda, Tunis, March 15, 2014.

> women's rights organization. I think we managed to achieve a very significant paradigm shift regarding how many people are now willing to think of Article 28 and preserving the personal status code as political issues, and not just social ones.[133]

Polletta and others who study the role that symbols, ideas, and identities play in the formation of rights claims, argue that novel rights claims became possible as a direct result of the main features of the social, political, and organizational contexts in which they were advanced (Polletta 2000). Symbolic politics that rests on new ideological rights claims could play a vital role in driving social change and rewriting power relations in the society (Merry 2006; Polletta 2000). In the context of this study, claims that rest on established legacies of state feminism invoked the past in innovative ways that enabled women's rights activists to gain support for their claims among a much wider societal basis.

The discursive frames put forward by feminist activists were also successfully performed and invoked in several political sites that emerged in the context of post-revolutionary Tunisia. Those sites included political protests, sit-ins, campaign rallies, and political conferences. Among the most important events in which such symbolic and discursive political frames invoking the need to safeguard Tunisia's legacy of state feminism were utilized with a great deal of success was the women's march that took place on August 13, 2012. Several secular political parties and civil society associations, many of whom have close ties to the feminist movement, called for a large march to commemorate the Tunisian National Women's Day celebration on August 13. Many felt angry at Ennahda's attempts to "usurp" the occasion and use it to serve their political ends. A general atmosphere of defiance and enthusiasm could be felt among the crowds that day and thousands of people showed up to express their anger at the wording of Article 28 of the draft constitution. Popular

[133] Author's interview with Fatima, female member of Parliament and feminist activist, Tunis, October 25, 2013.

sentiments against the ways in which Islamists were threatening the personal status code and stating that no supra- constitutional principles should take precedent over the will of the people as expressed through the ballot encouraged many to attend the march that day.[134] Thousands of people showed up, many women were dressed in red dresses with the Tunisian flag wrapped around them. Many of the women who showed up were also veiled. Fathers who brought their daughters with them marched on. When I asked many of the men what brought them here, they said that they were there to ensure that their daughters would have a future where they are equal to men.[135]

The event was a great success in terms of both turnout and political impact. It was widely covered in local and international media.[136] The discursive tactics of feminist activists succeeded in attracting many supporters to their cause. But the feminist activists realized that the powerful legal and cultural arguments that enabled new rights claims to emerge would mean little without translating those claims into formal legal rights for women, enshrined in the new constitution.

One other important consequence of the success of Tunisian feminist activists to mobilize against this earlier draft of Article 28 was their success at inserting another clause in the same article, guaranteeing that the state is obligated to eradicate all forms of violence against women. Most of the activists and politicians interviewed expressed the same view: there was little to almost no contestation with regards to this clause.

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[134] Author's interview with Malika, Female Member of Parliament, Ennahda, Tunis, March 15, 2014.

[135] Author's interview with Fadi, Male Protester, Tunis, August 13, 2012.

[136] For examples of coverage of the National Women's Day march, August 13, 2012, see: Thousands Rally in Tunisia for Women's Rights," Reuters, August 13, 2012: http://www.reuters.com/article/us-tunisia-women-rights-idUSBRE87C16020120814 (accessed on March 13, 2016).

Several factors might explain this outcome. The clause was phrased broadly, and thus, it could be interrupted as applying to societal violence against women, whether in the private or the public spheres, but also to violence committed by the state agents against women.[137] Another factor that cited by many of those that I interviewed lies again in the policies of the old regime. Gender-based violence, as long as it occurred in the private sphere, was seen as an arena where the disciplinary power of the state could be exercised. Thus, neither the Islamists nor the feminist secular activists that I spoke to, expressed any objections to the wordings or content of this clause during the entire course of Tunisia's constitution drafting process (2011-2014). [138]

The second goal of feminist activists was forming strategic alliances across ideological and institutional divides. To achieve this, several feminist activists decided to make use of Ennahda's eagerness to prove that it was not plotting to roll back the historical gains of Tunisian women and force a more conservative vision of women's rights and duties in the public and the private spheres. These feminist activists reached out to Ennahda's leadership within the constituent assembly, proposing the inclusion of the principle of parity

[137] As discussed in chapter four of this manuscript, this distinction will assume great relevance when it comes to dealing with gender-based violence committed at the hands of the state agents, as part of Tunisia's process of transitional justice. Ennahda had a specific agenda for Tunisia's transitional justice that included justice and reparations for victims of gender-based violence as compensation for the torture they suffered at the hands of the security agents before the Jasmine Revolution.

[138] The lack of contestation over gender-based violence could be further explained by the fact that the feminist movement's concern centered mostly on violence against women in the private sphere, mostly domestic violence. Their activism on this issue thus centered on introducing an anti-violence draft-law that reflects the content of Article 46 of the constitution, which outlined that the state should take the necessary measures to eradicate violence against women. A survey of the National Board for Family and Population (ONFP), published in 2012, stated that about one in two women said they had been subjected to violence during their life, 47.1 % in urban areas and 48.7% in rural areas. Educated women were less affected, but the rate remained high: 49.5% of victims among the illiterate, with 41.66% of victims with higher education. The study shows that the main perpetrators of such violence are spouses, who are responsible for 47.2% of the physical violence cases, 68.5% of the psychological violence cases, 78.2% of the sexual violence cases and 77.9% of the economic violence cases. Activism around gender-based violence in Tunisia will be further discussed in chapter five of this manuscript.

between men and women in elected councils. The idea of striking a strategic alliance with Ennahda to achieve their goal of including parity within the constitution seemed, at first, counterintuitive. When asked about the reasons behind this tactical decision and the long-term strategic objectives that feminist activists thought they could achieve through it, one key feminist activist who is a member of the constituent assembly and who played a pivotal role in bringing about this unlikely alliance, answered as follows:

> I approached one of the leaders of Ennahda and a member of the constituent assembly, Mr. S A. I happened to know him well through professional networks, since we are both lawyers, and have served together on the board of the Tunisian Bar Association. Personally, we were on good terms. I asked him what kind of reservations Ennahda's leadership could have with regards to the constitutional parity clause, given the fact that they will benefit the most from it since they could field many women who will still get elected by the larger more conservative constituency that voted for the Islamists in the 2011 elections. I told him that they would win the most out of it. He seemed to agree with what I was saying. We later called for a special session to discuss parity. Many of the female MP's were vehemently against the idea of special quotas or parity for women. It was some of the male leaders of the party who began to warm up to the idea, probably because they realized that it will be electorally beneficial to them. [139]

To the feminist activists, getting Ennahda on board with the parity clause served two purposes. First, it ensured the passage of the parity clause in the final voting on the constitution. Second, knowing that Ennahda agreed to the parity clause would probably shame other secular parties into supporting it as well. Feminist activists lobbied for months, both inside and outside of the constituent assembly. Inside the assembly, they tirelessly lobbied to convince the members of the importance of adopting the parity clause. In addition, a few core members of the group, mostly lawyers became focused on creating what is called in the literature an "outsider/insider coalition" (McCann 1994: 90). These often involve a coalition between movement activists or rights advocates, and an array of individual

[139] Interview with Elhem, former member of the Tunisia parliament, lawyer and feminist activist, Tunis, 17 January, 2014.

executive or legislative officials within the state's bureaucracy.

This kind of coalition-building process requires intensive networks with individual state officials, who were, in this case, members of the then government composed of Ennahda and several smaller secular parties. During their negotiations, women's rights activists lobbied both inside and outside formal political arenas. Outside, they led media campaigns and framed their message in ways that evoked the parity clause as a way of ensuring that women would be equally represented in all levels of decision-making. Inside, they continued to negotiate with members of Ennahda over the scope of the parity clause, and whether it should be just vertical (meaning that 50% of the electoral party lists should be composed of women), or also horizontal (that women should also head 50% of the lists or, at least, be put in the second place).[140] After a series of heated debates in the Constitutive Assembly, the compromise was to draft the parity clause in the broadest possible way and leave its interpretation and detailed applications at the different levels to the relevant electoral laws.[141]

It is notable here that Ennahda's political leadership recognized a strategic political gain by agreeing to pass the parity clause and by amending Article 28. A straightforward explanation based on the above narrative could lead to a conclusion that their decision to

[140] It should be noted here that even after including the parity clause in the constitution, none of the major parties completely complied with 50% representation for women on party lists. For more information on this, see: http://www.tunisia-live.net/2014/08/15/tunisia-real-parity-yet-to-be-achieved-in-electoral-lists/#sthash.vkaVVuO9.dpuf

[141] It is important to note here that Tunisia passed an electoral parity law in May 2011—just months before Tunisians elected the National Constituent Assembly. This parity law stipulated that women must comprise 50% of the candidates on each party's electoral lists, and that men and women's names must alternate down the lists in a so-called "zipper system." Most parties—many of which only formed after the revolution—opposed the law, realizing they would have difficulty finding enough female candidates to fill their lists. Ennahda, however, supported the law, confident that its support base was broad enough to field the necessary numbers of women candidates in most districts. Ennahda respect of the electoral parity law is one of the main reasons why feminist activists decided to join forces with them in order to include a parity clause in the constitution.

compromise on women's rights stems from a pragmatic desire to reach a meaningful political settlement on the constitution, which would pave the ways for Tunisia's historical-political settlement discussed in the second section of this chapter. However, it is also important to note that Ennahda was among the first parties to fulfill the parity requirements of the Tunisian 2011 electoral law, selecting 42 out of the 49 women elected to the 217-member Constituent Assembly. Thus, Ennahda was the only major political party to respect the gender parity rules for electoral lists fully, even before the passage of parity clause in the 2014 constitution. This might be explained further by the need for Ennahda to gain international recognition from the outside world as a moderate Islamic movement. However, other analysts point to the fact that the conciliatory nature of Ennahda is better explained by the internal dynamics of the party itself (Marks 2014). Throughout the period from 2012 to 2014, Ennahda mobilized many female activists, who formed an important part of its network of support in the rural underdeveloped Tunisian interior.[142]

In the end, Tunisian feminist activists could secure a critical victory for women's rights within the context of the constitutional drafting process in Tunisia. Article 28 of the leaked draft of the Tunisian constitution, which turned into Article 46 in the final version of the Tunisian constitution adopted by the constituent assembly on January 26, 2014, read as follows:

> The state commits to protecting women's accrued rights and work to strengthen and develop those rights. The state guarantees the equality of opportunities between women and men to have access to all levels of responsibility in all domains. The state works to attain parity between women and men in elected Assemblies. The state shall take all necessary measures to

[142] The role of Islamist women activists inside Ennahda, and the transformations of the movement that might have contributed to its moderate positions, especially in comparison to other Islamist movements in the region, will be further explored in chapter five. It is important to notice here that the involvement of Islamist women in politics in Tunisia resonates with studies that show how women who identify with Islam regard it as a significant source of their political engagement and subjectivity in other parts of the Arab world (Salime 2011; Deeb 2006; Mahmood 2005).

eradicate violence against women.

IV: Feminist Negotiating the Constitution in Egypt: Historical Continuity Amid Revolutionary Change:

In Egypt, women's rights activists and feminist politicians had to contend with a very different legacy of state feminism. In her book, *Revolutionary Womanhood: Feminisms, Modernity and the state in Nassser's Egypt*, historian Laura Bier argues that the gendered and political orders that were put in place by the governing elites in the period following nominal independence from Britain in 1923, underwent major changes in the wake of the 1952 coup d'état. [143] While the newly-established regime in Egypt owed many of its ideas on wider social reforms to earlier social engineering attempts begun in the 1920s and 1930s, it signaled a new beginning on several important fronts. First, instead of merely relying on charitable initiatives by the upper class, the language of social reform entered the phase of scientific planning by a strong central government. This development paved the way for the state's monopoly over important social issues, both discursively and institutionally, including the women's question.

Second, the discursive and ideological foundations of what later became the Nasserist state came to be closely tied to a clear demarcation of the public and private domains. More importantly, the new state feminism effectively sought to silence a vibrant and rich debate on the women's question that had taken place in the interwar period. This debate demonstrated that different ideals of national womanhood existed and were in competition. While

[143] Bier, Laura. 2011. Revolutionary Womanhood: Feminisms, Modernity and the State in Nasser's Egypt. Stanford: Stanford University Press: 37.

discussions in the 1920s and until the 1950s, centered on how increased opportunities for work and education for women would influence their traditional roles as caretakers, mothers and housewives, and on how such changes would affect the laws governing intimate relations between men and women within the marriage institution, a different discourse arose from the 1960's onward. This new discourse was centered mostly on women's roles as employed workers and as citizens in a new type of public space. Issues like marriage, divorce and custody of children were regulated and reformed only in a piecemeal manner by the state, and debates on women's status in the private realm became almost nonexistent. One important indicator of this can be found in the fact that not a single attempt to reform Egypt's personal status laws was made in the 1950s or 1960s. In fact, no such attempt was made until 1979, when ill-fated law number 44/1979, popularly known as "Jihan's law", was ruled unconstitutional by Egypt's Supreme Constitutional Court.

Egypt's postcolonial rulers from Nasser to Sadat, to Mubarak simply shied away from directly addressing the stark gender inequality codified in Egypt's personal status laws, which date back to the 1920s. These conflicting tendencies have resulted in the current contradictory situation in which Egyptian women find themselves to this day: while official state discourse encourages – at least theoretically – the attainment of more public rights (to education, work, and political participation), women are still confronted with serious forms of gender inequality within the private domain of the home and family. As Mervat Hatem (1992: 232) argues: "although the constitution and the laws of the 1950s and 1960s made reproduction a public concern for the state and private employers, not just the personal concern of the family, the personal status laws of the 1920s and 1930s remained unrevised maintaining women' s social dependence on men." Hatem suggests that the Egyptian form of

state feminism carried its own paradoxical aspect due to the incompatibility between the progressive framework' of women' s rights in the public sphere stipulated in the constitution and labor laws, on the one hand, and the conservative personal status law governing women's private sphere, on the other. The state maintained its monopoly over the feminist realm in Egypt throughout the 1970s and into the 1980s.

This legacy, a product of Nasser's state and reproduced in slightly different forms during the presidencies of Sadat and Mubarak, has had far-reaching consequences. The private sphere remains an uncontested stronghold of patriarchy. Furthermore, while the state's propaganda has continued to emphasize the role played by women in the workplace, nevertheless, it has always sought to stress that a woman's place is first and foremost at home. The ambiguous and contradictory nature of the project of state feminism in Egypt was reflected in its subsequent post-independence constitutions. It is within the 1956 Constitution that women were granted their political rights, whereby Article 31 stated:

> Egyptians shall be equal before the law in public rights and duties, with no discrimination among them therein on the grounds of sex, origin, language, religion or creed.[144]

Consequently, women were granted political rights, while women' s rights activists struggled to assert women's legal rights – a struggle that remains at the top of the women's rights movement agenda until the present day. Laura Bier observes that " Nasserist constructs of citizenship both enabled and limited the sorts of claims that women activists could effectively make on the state"(Bier: 110); and while the Constitution established women' s equality ' in public rights and duties' , the laws enshrined women' s role within mothering

[144] Text of the Egyptian 1956 Constitution at: https://www.britannica.com/topic/Constitution-of-Egypt/1956

and childcare, while the state offered support to women in their fulfilment of both public and private roles – a point that represents both the opportunities and limitations of women's agency. With Nasser' s decision to disband all political parties and civil organizations in 1954, feminist activism was appropriated and monopolized by the state in what has been described by Bier (2011) and Nelson (1996) as the beginning of the end of independent feminist movement in Egypt.[145]

This organizing principle of the historical project of state feminism in Egypt was enshrined in Egypt's 1971 Constitution, particularly in article eleven that read as follows:

> The State shall guarantee harmonization between the duties of woman towards the family and her work in the society, ensuring her equality status with man in fields of political, social, cultural and economic life without violation of the rules of Islamic jurisprudence.[146]

Article 11 deserves special attention because it perfectly sums up the contradictions inherent in the state's feminist project in Egypt. The fact that the constitution emphasizes a woman's duties towards her family, as well as the state's role in helping women to reconcile this duty with her role in the public sphere, proves that the state's vision of feminism is deeply influenced by a belief in the sanctity of the family, and in women's traditional roles in it according to certain interpretations of Islamic Shari'a.

As will be elaborated below, the text of this article would appear almost verbatim in the post-coup constitution of 2014, also as Article 11, with the significant addition of committing the state to protect women against all forms of violence is a direct consequence of post- 2011 activism which culminated in passing a law that directly criminalized sexual

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[145] For a detailed account of the history of the feminist movement in Egypt and its relation to the state, see chapter two of this manuscript.

[146] Text of the Egyptian 1971 Constitution at: http://www.palatauruscentrostudi.eu/doc/EGY_Constitution_1971_EN.pdf

harassment of women. However, it remains unclear how this relates to the reconciliation of women's duties in the public and private spheres and what kind of measures the state will implement to ensure that. The endurance of Article 11 and its appearance in different forms in all of Egypt's post-independence constitutions, with the notable exception of the short-lived constitution of 2012, signal a continuation of the parameters of constitutional, legal, and political parameters of women's rights in Egypt, making the task of feminist negotiating for formal rights for women after the January 2011 revolution much difficult.

Nationalist versus Islamic women: Identity wars

In similar fashion to Tunisia, identity wars around women's rights officially began with the passing of the 2012 constitution by the Muslim Brotherhood (MB) controlled constituent assembly. One important point of contention between those supporting the July 3, 2013 coup, and those against it, centers on the position of women and how Egypt's short-lived Islamist government under President Mohamed Morsi, sought to roll back the legal gains that Egyptian women had made in the past decades. The 2012 constitution lacked any mention of gender equality, referring vaguely instead to "equality and equal opportunities for all citizens, men and women." While this was seen by some as implicitly referring to legal equality between the sexes, many women's rights advocates saw it as "the worst Constitution in Egypt's history regarding gender quality, since it was literally silent on the issue".[147] Public debates on the 2012 Constitution and whether it represented a continuation or a break from earlier constitutional traditions in Egypt, echoed earlier debates on women's status stretching all the way back from the 1920s and 1930s. According to historians writing on this topic, debates on state feminism in Egypt culminated in a conservative approach to the

[147] Author's Interview with Malak, Egyptian feminist, July 16th, 2015.

question of women's presence in the public space, and in a continuous avoidance of the thorny issue of the state's responsibility in promoting gender equality in the private sphere.

But parallel to this project, there emerged another one; that of turning the gender question into a nationalist one. This was achieved through the dual tactic of promoting one model of womanhood as ideal, and by representing the nation itself as a woman. In her book, *Egypt as Woman: Nationalism, Gender and Politics,* Beth Baron discusses at length the historically rich process through which Egyptians, influenced by Western nationalist traditions, portrayed Egypt as a woman in national iconography, vernacular language and popular culture.[148] The genealogy of such representations tying women to the state, while not exclusive to Egypt, seems to stretch continuously from the 1920s until the 25th of January, 2011 and the 30th of June, 2013 revolutions. References to Egypt as "Bahya" (a woman's name meaning the beautiful one) and "Omm El Donia" ("mother of the world") denote an ongoing fascination with the image of Egypt as a woman. The battle around women's right in the constitution coalesced around the role of Islamic Shari'a in defining the parameters of women's rights in the new constitution.[149]

While the logic of state feminism in Egypt rests on a public/private duality that values women's participation in public life on the one hand, and stresses their central role as mothers and wives on the other, imaginings of ideal womanhood inspired by the Islamic revival in Egypt are focused on a rejection of the logic of equality itself as a foreign element

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[148] For more details on representations of *Egypt as a woman, see: Baron, Beth. 2005. Egypt As a Woman: Nationalism, Gender and Politics*. Berkeley: University of California Press.

[149] Representations of Egypt as a woman became popular during the January 25th revolution. Again, this denotes a continuation of a historical trend that goes back to the nationalist movement in the early twentieth century. For a more detailed historical tracing of this see: Baron, Beth. 2005. *Egypt As A Woman: Nationalism, Gender and Politics.* Berkeley: University of California Press and Badran, Margot. 2009. *Feminism in Islam: Secular and Religious Convergences*. Oxford: One world Publications.

of Western origin.[150] While such attitudes toward gender equality date back to the early writings of Muslim Brotherhood leaders and ideologues, they were very much still alive and a part of recent debates following the election of Mohamed Morsi as President in 2012. One incident that highlighted this clearly was the statement issued by the Muslim Brotherhood in early 2013, in response to a declaration by the General Assembly of the United Nations, on violence against women.[151]

Muslim Brotherhood members expressed objections to this statement that formally laid out their views on women's rights for the first time since their ascent to power in June 2012. They included a rejection of the idea of partnership between men and women, advocating instead the Islamic notion of "guardianship" of men over women. Furthermore, the statement mentioned that wives had no right to file legal charges against their husbands for rape and that husbands should not be subject to the punishments meted out for the rape of a stranger. This statement proved to many that the Muslim Brotherhood's stance on women had remained the same as in the past, despite previous allegations by some of its members that MB views had changed.[152]

The Muslim Brotherhood's stance on women's rights in Egypt was manifested by the absence of any article discussing women's rights in the 2012 constitution. According to several women's rights activists, the absence of such an article was the result of a deliberate choice on part of the representatives of several smaller political parties who rejected all the

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[150] For a detailed description of the Islamic revival in Egypt and the development of a stance against women's rights as westernized, see: Mahmoud, Sabaa. 2004. *Politics of Piety: The Islamic Revival and the Feminist Subject.* Princeton: Princeton University Press.

[151] For more on the Muslim Brotherhood statement on the UN declaration on violence against women, see: http://www.ikhwanweb.com/article.php?id=30731

[152] Author's Interview with Soha, Women's Rights Activist and Member of the Women Constitution Writing Group (WCWG), July 14, 2015.

suggestions of the Muslim Brotherhood, fearing it will tie women's rights directly and exclusively to Islamic Shari'a.[153] In the words of one prominent women's rights activist who is also an expert on Islamic Shari'a:

> After the failure of several rounds of negotiations with the representatives of several small secular parties and the brotherhood, we became convinced that the best course of action would be to take out any article that explicitly discusses women's rights in the constitution. Members of the Brotherhood and some of the Salfi members who served on the constituent assembly were actively discussing an article that links women's rights directly to the strictest interpretations of Islamic Shari'a (Islamic Jurisprudence). Despite the removal of an article that specifically addresses women's rights in the 2012 constitution, this threat was still very present because of article 219, which states that the sources of Islamic law (sharia) include general evidence, the foundational principles of Islamic jurisprudence (usul al-fiqh), the reliable sources from among the Sunni schools of thought (madhahib), are the sources of legislation. This article extends the definition of Islamic Shari'a for the first time in the history of Egypt to include Islamic jurisprudence which in turn represents the strictest among those sources. Applying those stricter sources to women's rights would mean holding any law related to women to the highest scrutiny by Islamic standards which will mean that women's right will effectively be restricted.[154]

The decision to remove the "women's article" from the earlier drafts of the 2012 constitution was one in which several women's rights activists actively pushed for.[155] A prominent women's rights organization, the Women and Memory Forum (WMF) initiated the WCWG

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[153] An earlier draft of the 2012 constitution contained an article asserting women's equality to men—but only where this equality does not "violate the rules of Islamic jurisprudence"— After public uproar, and negotiations in which representatives of secular parties opted to remove the article entirely- the drafters ultimately opted for broad, unqualified, assertions of gender equality as part of the equality of all citizens before the law in Articles 6, 8, 9, 33, and 63 of the constitution. For more details, see Egypt's 2012 annulled constitution at: http://www.wipo.int/edocs/lexdocs/laws/en/eg/eg047en.pdf

[154] Author's Interview with Amna, Women's Rights Actvist and Professor of Islamic Shari'a at Cairo University, July 30, 2015.

[155] Article 219 of the 2012 annulled constitution extends the scope of the legal application of Islamic Shari'a to include general evidence, the foundational principles of Islamic jurisprudence (usul al-fiqh), the reliable sources from among the Sunni schools of thought (madhahib), are the sources of legislation. This represents an unprecedented broadening of the scope of what constitutes Islamic Shari'a, a fact that secular political forces feared would reflect negatively on individual rights and freedoms in Egypt, especially since article 2 of the Egyptian constitution denotes that Islam is the state's religion and that the principles of Islamic law (shari'a) form the main source of legislation. It should be noted here that article two remained in the 2014 constitution and that it had been a staple of Egyptian constitutions since it appeared for the first time in the 1971 constitution. The decision to remove the women's rights article on part of the women's rights activists was mostly in fear of article 219 and what the extension of the scope of Shari'a law could mean for women's rights.

(The Women Constitution Writing Group), including representatives from several other women's rights organizations, as well as individual women' s rights activists. The group members contributed to the constitution- drafting process through the direct collection of women' s demands and aspirations.

The WCWG started by studying the all Egyptian constitutions, starting with the 1923 Constitution, from a gender perspective. The culmination of their work was a single document outlining the demands and expectations of Egyptian women from the new constitutions. Once the Constituent Assembly was formed, copies of the document were sent to each one of its members.[156] The document demanded that the state to pay special attention to the disadvantaged sectors of society in terms of social, economic, educational, cultural and health services. It also stressed international conventions as an integral part of national laws,with indirect reference to both the CEDAW (Convention for the Elimination of All Forms of Discrimination Against Women) and the (CRC) Convention on the Rights of the Child.

According to several members of the group, their demands were almost entirely ignored by the Constituent Assembly.[157] Finding no other institutional spaces open to them, they elected to resort to back door politics to remove any article that specifically mention women's rights in the annulled 2012 Constitution. While their efforts were successful as mentioned above, this left them with very little influence over the course of redefining women's rights formally in post-revolutionary Egypt until the 3rd of July coup in 2013.

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156 For more details on the Women Constitution Writing Group (WCWG) see: Kamal, Hala. 2015. "Inserting Women's Rights in the Egyptian Constitution: Personal Reflections", *Journal for Cultural Research* 19 (2): 150-161.

157 Author's Interview with Soha, Women's Rights Activist and Member of the Women Constitution Writing Group (WCWG), August 2, 2015.

Feminist Negotiation's in the 2014 Post-Coup Constitutions: Limited Gains Amid Rising Repression:

The ousting of President Morsi on 3 July 2013 was accompanied by a series of emergency procedures which included the suspension of the 2012 Constitution and the appointment of Adly Mansour as interim president until the implementation of the next presidential elections.[158] Supporters of the July 3rd coup often singled out women (along with Egypt's Coptic minority) as groups that stood to lose most if the Islamists remained in power, and thus women's rights were again Mansour soon issued a constitutional declaration which announced the formation of two constitutional bodies to review and amend the 2012 Constitution: (1) The Constitutional Expert Committee comprised of ten members including six representatives nominated by three Courts and four constitutional law academics nominated by the Supreme Council of Egyptian Universities; (2) The Constitutional Committee comprised of fifty members – with 80% representation nominated by their respective political parties, religious institutions, unions and syndicates as well as revolutionary youth, in addition to the 20% public figures nominated by the government (Cabinet of Ministers). This constitutional committee, popularly known as the "Committee of the Fifty" oversaw the revision the 2012 constitution. After a few months of deliberation, the Committee issued a draft of the new constitution.

It was during these deliberations that a few select feminist activists and women politicians participated directly in monitoring the constitutional process in both form and content – focusing again on the membership of the committee as well as the inclusion of women' s rights in the final draft. Even though "Committee of Fifty" included only five

[158] For more details on the political context of Egypt from 2011 and until 2014 including the events leading to the coup d'état on July 3rd, 2013, see chapter two of this manuscript.

women (10% representation), among those five women were several influential and prominent women's rights activists and feminist figures. Those included the Chair of the National Council for Women (Mervat El Talway), the Chair of the National Council for Motherhood and Childhood (Azza El Ashmawey) and most importantly both the feminist academic Hoda Elsadda and feminist lawyer Mona Zulficar. Moreover, the Committee itself included a significant number of male members who were sympathetic to the cause of women's rights. Thus, the underrepresentation of women in the Constitutional Committee was balanced by a marked support of women' s rights by a large proportion of its members.[159] The presence of Hoda El Sadda, Mervat El Talway, and Mona Zulficar lent a distinct feminist presence in the committee, as they were seen by many Egyptian feminists as representative of their demands and aspirations from the constitution.[160]

The five "feminist" members of the Committee of fifty played an important role in the negotiations around Article (11) of the Egyptian constitution. On the one hand, they served as heads of different sub-committees within the committee of fifty and thus helped significantly in inserting women's rights in many of the discussions around rights and freedoms in the constitution.[161] But despite their efforts, many of their suggestions did not

[159] The Committee of the fifty did not include any members of the Muslim Brotherhood, but it did include members of the Salfi movement in Egypt, a conservative Islamic force.

[160] It should be noted here though that a significant number of Egyptian feminists, especially those involved in the grass-root movement against gender-bases violence, rejected the constitution as undemocratic since it came right on the heels of the 2013 coup d'état. For many of them, the fact that the new constitution acknowledged military trials for civilians and granted the military economic privileges proved that the constitution defied human rights on other levels. For more on grass root movement against gender-based violence and their split positions on the question of engaging with the state, see chapter five of this manuscript.

[161] Author Interview with Hoda El Sadda, Member of the Committee of Fifty and Egyptian Feminist and Academic, July 15, 2015.

pass in the vote on the final draft of the 2014 constitution. One of those suggestions involved women's political participation. As Hoda El Sadda remembers:

> Like our Tunisian counterparts, we really wanted to pass some constitutional guarantee for women's political representation. As you know, there was a 10% quota for women under Mubarak that was heavily criticized since it gave access only to women who ran under the ruling party so the idea was very unpopular. However, the need to ensure that political parties will take women's participation seriously is important. It is very important symbolically but we could not pass such a clause, despite our attempts to do so.[162]

A common argument against the use of electoral quota systems for women is that quotas are more of a token gesture than the sign of a deep commitment to gender equality: They allow elite political actors to appear concerned about the plight of gender inequality while ignoring deeper issues related to the rights and mobility of women in society (Krook and Mackay 2011). Other have argued that a quota system could even have an adverse effect, reducing women's engagement with local politics (Clayton 2014). The potential for a quota to succeed is often heavily context-dependent and depends on the historical legacies associated with the idea and practice in any given context. Understanding this historical context in Egypt is important when it comes to understanding the failure of the attempts by the feminist members of the constitutional committee in inserting any clauses related to women's political participation. The unsuccessful attempts of the women's rights advocates, despite their control of key sub-committees and the fact that the 2014 constitution was backed by the military illustrates the significance of both the discursive and institutional dimensions of the historical legacies of women's rights and how those legacies affect the ability of actors to negotiate for more rights for women, even in a political context where more positive outcomes for women, at least when it comes to formal rights, might be expected such as the Egyptian one following the coup d'état that ended the rule of the Muslim Brotherhood.

[162] Ibid.

In addition to the female members of the Committee, the Women Constitution Writing Group (WCWG) played a great role in influencing the content of women's rights in the new constitution. The group discussed the proposed amendments from a gender perspective, and issued an open letter addressed to the Constitution Committee on the day of the Committee' s opening session on September 8, 2013. The letter included a critical reading of five gender-related constitutional articles, suggested alternative phrasings, and listed several general demands.[163] Among those demands was the insistence on more concrete policy guarantees to ensure the state's commitment to protecting women from all forms of violence, especially in light of the increasing wave of sexual violence against women in the public space in the period between 2011 and 2014.[164]

It is important to note that despite the group's involvement in the constitutional drafting process and despite the presence of the four prominent women's rights activists on the committee of fifty, there were very limited gains in the actual wording of the 2014 constitution. Article 11 of the 2014 constitution, while highlighting the state's obligation to take all the necessary measures to end violence against women is very similar in terms of both content and the scope of rights it guarantees women to similar articles in both the 1971 and 2012 constitutions. The text of Article 11 of the 2014 Constitution of Egypt reads as follows:

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[163] For a detailed discussion of sexual violence in the public space in the context of the Egyptian revolution, see: Ahmed Zaki, Hind and Abd El Hamid, Dalia. 2014. "Women as Fair Game in the Public Sphere: A Critical Introduction for Understanding Sexual Violence and Methods of Resistance," *Jadaliyya,* 9 July 2014 at: http://www.jadaliyya.com/pages/index/18455/women-as-fair-game-in-the-public-sphere_a-critical (Originally published in Arabic in two parts on 8 January 2014 and 10 January 2014 and retrieved on October 3, 2017).

[164] This wave of mass sexual violence, and the efforts by women's rights activists to mobilize to combat it, is the subject of chapter five of this manuscript.

> The state commits to achieving equality between women and men in all civil, political, economic, social, and cultural rights in accordance with the provisions of this Constitution. The state commits to taking the necessary measures to ensure appropriate representation of women in the houses of parliament, in the manner specified by law. It grants women the right to hold public posts and high management posts in the state, and to appointment in judicial bodies and entities without discrimination. The state commits to the protection of women against all forms of violence, and ensures women empowerment to reconcile the duties of a woman toward her family and her work requirements. The state ensures care and protection and care for motherhood and childhood, and for breadwinning, and elderly women, and women most in need.[165]

One of the main reasons cited by the feminist members of the "Committee of Fifty" was the continued influence exerted by the Islamist members of constitutional drafting committee. The continued Islamic influence on the discussions and content of the constitution despite the ousting of Egypt's first democratically elected Muslim-Brotherhood led government is quite significant. According to Hoda El Sadda, the continued influence of the Salfi members of the committee of fifty, especially when it comes to individual rights and freedoms.[166] This influence point to the one of the key legitimating tools of the Egyptian state historically, refraining from introducing any real reforms in the field of women's rights to appease its Islamist opposition and their conservative social base. The fact that this continued to be the case in the context of the constitutional writing process following the coup d'état of 2013 points to a historical continuity when it comes to the limitations inherent within the historical project of state feminism in Egypt.

As Ellen Mclerney argues in an article written on the Egyptian constitution in 2013: "The language of *tawfiq* or *reconciliation* between women's public work and her duties in family life was reproduced verbatim into the 1971 and 2012 constitutions." (McLareny

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[165] For the entire text of the 2014 Constitution, see: https://www.constituteproject.org/constitution/Egypt_2014.pdf

[166] Author Interview with Hoda El Sadda, Member of the Committee of Fifty and Egyptian Feminist and Academic, July 15, 2015.

2013).[167] A gendered analysis of the 2014 constitution shows that the exact same ideal, a key ideal and goal of the project of Egyptian feminism historically reproduced still in the 2014 constitution as well. The significant gains in terms of the list of formal rights for women in the 2014 constitution were (a) the state's guarantee to protect women from all forms of violence; and (b) granting women the right to serve in the judiciary and in public high posts in the state.[168] While those two gains are important symbolically and legally, there had been little effort on parts of the government to transform those formal gains into actual policies. Three years down the line, women continue to be barred from serving as sitting judges in all court levels in Egypt, including the high administrative court. In addition, only three women serve in the current Egyptian cabinet out of 33, at less than 4%.[169] Women continue to be unrepresented in most other high state positions. In sum, the erosion of political freedoms in Egypt and the crackdown on the independent women's rights movement in Egypt after the coup d'état constrained many of the limited gains in the 2014 constitution even more, rendering them as mere formalities rather than actionable rights that influence women's status in the public and private spheres.

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[167] For more on the similarities between the annulled 2014 constitution of the Muslim Brotherhood and the 1971 Constitution when it comes to women's rights, see: McLarney, Ellen (2013, May 22). Women's rights in the Egyptian constitution: (Neo)liberalism's family values. Jadaliyya: http://www.jadaliyya.com/pages/index/11852/womens-rights-in-the-egyptian-constitution_%28neo%29li

[168] It should be noticed that women are generally barred from serving as sitting judges in Egypt, with the notable exception of family law courts. This continues to be the case, even though Article 11 of the 2014 constitution states that women should be guaranteed the right to hold public posts and high management posts in the state, and to be appointed in judicial bodies without discrimination. For more information on the barring of women from serving as judges and its unconstitutionality, see a detailed analytical paper by Nazra for Feminist Studies at: http://nazra.org/node/564 (retrieved on October 2, 2017).

[169] For more on women's underrepresentation in almost all levels of the Egyptian government, see: Rabie, Dalia "Beauty Over Brains: Egyptian Media Fixates on Female Minsters". Mada Masr (September 21, 2015) at : https://www.madamasr.com/en/2015/09/21/feature/politics/beauty-over-brains-egyptian-media-fixates-on-female-ministers/ (Retrieved on October 3, 2017).

V: Negotiating Historical Legacies: A Subject-Based Approach to Understanding Women's Political Mobilization in Tunisia and Egypt:

This chapter explored the discursive and institutional manifestations of the project of state feminism in Tunisia and Egypt. It further explored how Tunisian feminist activists reinterpreted and negotiated those past legacies and made strategic use of them through an innovative campaign that involved a discursive framing of those past gains in the context of an ambitious political campaign to influence the constitution drafting process in post-revolutionary Tunisia. On the contrary, in Egypt, since women's rights became a site where contested visions of the state's identity and its future came into conflict and where conflict over Islamic and secular understandings of state-society relations were played out, Egyptian feminists found themselves unable to exert much influence within formal political spaces, and were increasingly pushed outside most of the institutional spaces created after the January 2011 revolution, including the constitutional drafting process as well as legislative and judicial arenas. This exclusion from formal political spaces pushed the Egyptian women's rights movement, to employ extra-institutional tactics, as the formal political channels were mostly blocked to them. The 2013 military coup in Egypt and the intense political polarization that followed it, ironically, provided women's rights advocates with limited openings that some were quick to make use of to negotiate for more rights for women.

This chapter makes two main arguments. First, while most explanations for why and how feminist mobilization occurs tend to focus on structural factors, or on rights-based mobilization, I argue that it is often the multiple identities that women develop because of their involvement in politics, as new forms of subject formation, that act as critical symbolic

resources in their political campaigns. Those new forms of subject formation and identity shifts are an important, albeit, understudied dimension of democratic transitions, and often determine the tone, shape, and degree of success of women's rights coalitions at times of transition. By drawing on interviews to make arguments about Tunisia's and Egypt's historical projects of state feminism and how they influenced women as political actors in the post-transition period, this chapter analyzes how the politics of remembering the past becomes an arena for negotiating contemporary power arrangements. It also shows how conditions of political polarization and the ensuing negotiations over state identity could provide surprisingly empowering openings to push forward new rights for women. In contrast to explanations that provide a thin description of the political opportunity structure in which right-based campaigns operate, this chapter provides a thick description (Geertz 1973) of the contradictions, ambiguities, and tensions that characterize the relation between the state and the feminist movement in the Tunisian context. I adopt here an actor-based interpretive approach that analyzes how feminist actors define their engagements with the state and how hegemonic state discourses shape identity and subject formation.

Second, this chapter argues that hegemonic state projects and their institutional and discursive manifestations create politically significant categories through state language and institutions, orienting individuals as subjects through cultural and political practices and rituals. But as power is never perfectly replicated and as subject-formation is an ongoing process, inexact repetition can undermine, alter, and even transform the original intentions behind hegemonic state discourses and policies. Such a process of imperfect iteration could lead under new political realities, such as democratic transitions amid a revolutionary change, to unexpected openings that allow actors to reconfigure and reframe hegemonic state

discourses to achieve their ends. This in turn means that state discourses may at times of political instability not only serve to create new forms of domination, but also lead to the consolidation of new rights.

To bring those arguments into greater relief, I analyzed two sites in which new forms of feminist mobilization are making new rights claims, the constitutional drafting process in Tunisia. Constitutional drafting represented a formal site where veteran feminists like Elhem and her colleagues struggled to ensure the inclusion of constitutional guarantees for women rights in the midst of a power struggle between Islamists and their secular rivals. Accusations of being pawns of the old regime promoted a period of soul-searching among women's rights advocates in Tunisia. That, in turn, resulted in different attempts of political reinvention including the formation of new feminist identities and negotiations over new spaces of political action. The choices made by many of them to enter the now more open political arena- by joining political parties and running in legislative elections- constituted one mode of feminist engagement with the political process that emerged in the wake of the Arab spring.

In addition, the above analysis highlights an important gap that most scholarly feminist debates about state structures and how they influence feminist engagements with formal politics miss: the multiple identities that activists acquire as they negotiate past institutional and discursive legacies of state feminist and the ways those legacies result in complex and often contradictory processes of subject formation. As the above account shows, the historical origins of legal institutions and discourses, including especially rights discourses—shaped the expectations, tactics, and practical experiences of feminist activists

who lobbied tirelessly for three years to ensure that Tunisia's post-revolutionary constitution reflected and further strengthened the historical gains of women.

The narrative of women's mobilization around the constitution in Tunisia demonstrates the ways in which state laws shape conflict proactively by imposing normative limits in advance of the appearance of proscribed conduct. Internalizing state narratives enabled Tunisian feminists to push forward rights claims that helped them win important constitutional gains for women at a critical political juncture. The empirical case above draws attention to the important role that subject formation, as historical process of continuity and change, plays in the emergence and success of social movements mobilizing for rights.

The narratives of feminist activists in Tunisia suggest a complex relation with the Tunisian state and especially with remembering and reconstructing its past legacies. First, the politics of remembering the past as manifested in several framing strategies developed by Tunisian feminists suggests interesting links between how subjects or actors define their agency in relation to the structural constraints and opportunities that they faced. This interpretive process of subject formation explains some of the key tactical decisions that were undertaken by Tunisian feminist activists as they faced the challenges of the breakdown of state institutions in the wake of 2011 revolution and the subsequent rise of the Islamists to power. First, it explains their decisions to engage in politics as politicians and not just as feminists. As one feminist activist states:

> We were determined to reclaim back the state as we felt that it was being "hijacked" by the Islamists. We could have easily turned into Iran. Ours was a political mission, and this meant that we had to beat them at their own game. Engaging in politics seemed like the most appropriate tool to do so.[170]

The above quote reflects a sense of ownership towards the project of state feminism and a

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[170] Author's interview with Lobna, member of the Tunisian Constitute Assembly, Tunis, September 7,2013.

feeling among those women, many of them born in the 1950's and 1960's, that they benefited directly from these legacies of state feminism under Bourguiba. This aspect of subject formation, as expressed by a previous quote where one feminist activist describes her childhood and how she saw Bourguiba as a "benign father to the daughters of Tunisia", illuminates this feeling of ownership. The project of state feminism benefited many of those women on a personal level. Thus, the subjectivities of these women themselves were constructed in the context of past state policies. Their very own existence as agents is constructed through a set of historical contingencies that created specific trajectories of right struggles (Bier 2011; Manning 2006). This complex relation with the state worked in an adverse manner in the case of Egypt. The ambiguous project of state feminism in Egypt did not provide the women's rights movement with any discursive or institutional spaces or tools that could help them in their campaign to insert more right for women in the post-revolutionary constitution. On the contrary, the distinct features of the historical project of state feminism in Egypt, and especially the pivotal role of Islamic Shari'a in both the Egyptian personal status laws and the constitutional articles dealing with women's rights, inhibited the ability of women's rights activists to reframe women's rights in Egypt in new ways. The limited gains achieved by women's rights activists in the constitutional drafting process in 2014, despite a relatively favorable political setting, denotes deeper contradictions within the Egyptian state feminist projects, one that goes beyond a simplistic secular/ Islamic divide. Hostility towards women's rights is thus an institutionalized feature of Egypt's political and constitutional history, and one that continued into the post-revolutionary political process.

Second, the above narrative of the constitution drafting process in Tunisia suggests

that feminist activists framed their entire political agenda through a set of innovative discursive moves that built on a reinterpretation of the past. Feminist activists framed some of the most important institutional manifestations of state feminism, including the personal status code (PSC) of 1956, as a historic gain for all Tunisian women. This essential historical benefit, although having occurred in the past, gained an increasing political relevance within the turbulent context of the Tunisian democratic transition (2011-2015). The fact that the PSC was one of the most hotly debated and polarizing topics during the constitutional drafting process in Tunisia suggests that the politics of remembering the past in the context the present is a complex process. On the one hand, feminist activists mobilized to protect the old legacy of the state; on the other, they were aware that they can no longer rely on the benign protection of the state. This realization shaped the scope of their mobilization, constraining and enabling them at the same time. In many ways, the identities, status, and standing of women's rights activists were constructed in important ways by the official legal system that is part of a larger project of state feminism. On the other hand, women' s rights activists organized themselves through invoking and exploiting the very logics of state law as they constituted themselves in part through mobilizing to both reform and sustain the legal and political legacy introduced by the Personal Status Code. But they also knew that their aspirations were beyond the narrowly defined principles of family law and its broader constitutional legacy. When asked about how the personal status code and its legacy featured into their campaign, one prominent feminist activist reflected:

> This is 2014. We are in the wake of a political revolution that changed everything. The personal status code matters only as much as it represented legal and historical evidence of one of the few good things about the old regime: its women's rights agenda. Collectively and individually, we all knew that was a moment of no return. Everything could change for the worse, or we might manage to preserve the legal gains we had over the years. There was a line that we often used around that time from an Italian novel set in the wake of the revolt that

> created the Italian republic in the 1860's.[171] This line states that " for everything to remain the same, everything must change." Many people in Tunisia think that change means getting rid of everything, but elements of the old often stays and mixes with the new.[172]

The above quote, as well as the personal narratives of many Tunisian feminist activists demonstrate a complicated sense of agency, a realization that their political agency in the present depends on constructing the past in a specific way and on preserving a collective memory that reframed this past in the context of a battle over the identity of the state. Thus, one of the most distinctive features of the constitutional campaign that the feminist activists launched was their appeal not just to the distant past, but also to the living "identity" of the Tunisian state, an identity that was seen to be under threat following the rise of the Islamists and their quick accession to power. In such a context, the quote from the novel mentioned by Karima above succinctly echoes how the state's historical constructions of women's rights, manifested in a highly-developed project of state feminism, carried out through the powers of the state, managed to survive a revolution that aimed to uproot the old regime, and acquired a new political life in the new constitutional guarantees for women's rights.

In other words, the repressive, top-down authoritarian state built by Bourguiba and its legacy of state feminism were at times reconfigured and reimagined by feminist activists using discursive frames that invoke this history in the present. The slogan "*No going back on the historical gains of the Tunisian women*" turned into an important symbolic and rhetorical political tool not only for women but for broader segments of the Tunisian secular middle class. This constituency took up this slogan to contest what they perceived as an Islamic threat, through invoking the promises of formal legal rights to protect their future liberties.

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[171] After concluding this interview, I realized that the interviewee was referring to the novel " *The Leopard"* or "*Il Gattopardo"* by the Italian author Giuseppe Tomasi di Lampedusa. The novel chronicles the changes in Sicilian life and society during the process of the Italian unification.

[172] Author's interview with Karima, member of the Tunisian Constitute Assembly, Tunis, September 10, 2013.

The process of drafting the constitution- the highest legal doctrine in the state- provided such guarantees for rights and freedoms and thus became an important political arena for negotiating rights. On the contrary, no parallel process of reframing of the state's laws and legacies that are related to women could occur in Egypt, since those very state legacies are contradictory and often hostile to reform in the field of women's rights.

Lastly, it is important to note that some feminist activists who expressed full identification and sympathy with the state's historical project of state feminism in Tunisia and its mandate subsequently interpreted this mandate in ways that were deemed as "subversive political acts," from the point of view of the regime.[173] The fact that the state security had constantly harassed many of those women for years demonstrates that the subjectivity of feminist actors is shaped by a set of contrasting narratives, experiences, and repertoires of actions. The mobilization of women during some important political events, including the 2011 Jasmine revolution itself, suggests a more complex political subjectivity, one in which the state's historical process of liberating women is perceived as incomplete unless women could claim some autonomy vis-à-vis the state. In many ways, the ability of women to mobilize in post- revolutionary Tunisia and their role in bringing a successful democratic transition suggest the emergence of new avenues for agential action in ways that were not possible under the old regime and the state's legacy of state feminism. This in turn suggests that a symbolic identification with progressive statist legacies, rather than a co-option of the women's rights movement by the state, was the main driving force behind the feminist constitutional agenda during Tunisia's democratic process.

In Egypt on the contrary, feminist activists were entirely excluded from the

[173] Author's interview with Amira, feminist activists and one of the founders of AFTD, Tunis, January 14, 2014.

negotiations for the 2012 annulled constitution and achieved only limited gains when they were part of the constitutional drafting process in 2014. The ambiguous and contradictory nature of the project of state feminism in Egypt made it difficult for feminist activists and politicians to draw on any concrete historical narratives or institutional set-ups that would help them in their quest to include more formal rights for women. As the narratives of the feminist actors who were members of the Committee of the fifty that drafted the 2014 Egyptian constitution suggest, women's rights were still very much discussed within the same parameters that had governed and limited any meaningful reform in the field of women's rights in both the longer timeframe of post-colonial Egypt and the very short rule of the Muslim Brotherhood (2012-2013).

Unlike their Tunisian counterparts, feminist activists in Egypt found themselves excluded from the formal political processes at large and exerted little pressure when they were invited. The feminist members of the "Committee of Fifty" could negotiate, and include important formal rights for women, mainly guarantees for women's representation in high state posts and a constitutional obligation by the state to protect women from all forms of gender-based violence. Despite that, the overall effects of those gains were severely limited both by the post-revolutionary political context, as well as by their inability to mobilize around the state's historical constructions of women's rights and reframe them in new ways. The failure of the Egyptian activists is a product of the fact that both institutional spaces created by January 25th revolution, and the historical manifestations of state feminism in Egypt were hostile to their demands. The post-revolutionary context in Egypt did not enable any reframing of women's rights through the formal political channels, thus forcing the women's rights movement to channel their demands through extra-institutional channels that

led them to a more direct clash. The details of this mobilization and their confrontation with the military state in Egypt will be further elaborated in chapter five of this manuscript.

CHAPTER FOUR

RESISTING AND REDEFINING STATE VIOLENCE: THE GENDERED POLITICS OF TRANSITIONAL JUSTICE IN TUNISIA

> Torture, rape, physical abuse, arbitrary arrest, are some of the things they suffered. These crimes are still unpunished. Female victims, and even us, the commissioners, continue to receive threats from the security. Only a handful of police officers are ready to testify before the commission, and their superiors threaten even those. In post-revolutionary Tunisia, they continue to rape and torture with total impunity.
>
> -Ibtihal Abd El Latif (Truth and Dignity Commissioner)

I. Introduction:

In a sleek office building in downtown Tunis, almost hidden from the views of most those passing by, lies the headquarters of Tunisia's Truth and Dignity Commission (TDC). Established in January 2014 with a broad mandate that covers corruption human rights violations committed by state security agents under the former regimes of Ben Ali and Bourguib, in other words, covering the entire post-colonial regime in Tunisia, the Commission was initially seen as a spearhead for a comprehensive process of transitional justice in post-revolutionary Tunisia. The commission, known in Tunisia by its French name- "Instance Vérité et Dignité", or IVD, is tasked with reviewing human-rights abuses that occurred between 1955 and 2013, from the time of Tunisia's founding years, to the 2011 Jasmine Revolution. While the Truth and Dignity Commission is not the only such unique experiment in the Arab world, it is the most serious among them as it occurs against the backdrop of a functioning democratic transition.[174] Headed

[174] The only other attempt to establish a similar body was Morocco's Equity and Reconciliation Commission. The commission's mandate was to investigate forced disappearances and arbitrary detention between Morocco's independence in 1956 and 1999, to rule on reparation requests pending before the former Independent Commission of Arbitration (created in 1999), and to determine "the responsibility of the state organisms or any other party". Spearheaded by the Moroccan regime, the Equity and Reconciliation commission was seen by many analysts as mere window dressing by the king and regime. It should be noted however, that the TDC of Tunisia is the Arab's world's only attempt at providing justice for victims of state violence in the context of a functioning democracy.

by 15 commissioners, with a staff of 640, it began its five-year mandate in 2014. The Commission began gathering testimonies from victims of abuse under the old regime in September 2015 and continued to accept new cases until a cut-off date for registrations in June 2016, by which time it had received over 62,000 submissions and heard testimony from about 11,000 people.

The Commission held its first public hearing for survivors of different episodes of state repression and violence in Tunis on 17 November 2016. Three years later, the Commission came to play a significant, yet complicated role in Tunisia's political life. As the public hearings progressed for survivors of different episodes of state repression and violence towards the end of 2016, Tunisia's political history became a subject of intense public scrutiny. The testimonies of survivors were widely circulated and discussed publicly, provoking intense feelings of outrage, sadness, and shock. This not only impacted the process of transitional justice itself, but also the very ways in which Tunisians began to come to terms with legacies of mass state violence, and what they mean for the future of their fragile democracy.

It was against this contextual backdrop that I made my way to the office of Ibtihal Abd El Latif, the head of the Gender Committee of the Truth and Dignity Commission. Abd El Latif is a woman with a mission; to highlight the suffering of female victims of state violations and link Tunisia's transitional justice to the problem of gender-based violence in Tunisia. According to Ibtihal, while the legal campaigns to combat gender-based violence in Tunisia had been recently gaining ground, public awareness of different forms of gender-based violence has increased, while the battle to introduce stricter legislation to combat all forms of violence against women including both domestic violence and sexual harassment in the workplace and on the streets, as

well as attempts to combat gender-based violence committed by the Tunisian state are proving much more challenging.

The personal testimonies of thousands of Tunisian women before the Commission reveals a much darker side to state feminism in Tunisia. For decades, thousands of Tunisian women suffered from systematic sexual violence at the hands of state agents. These women, primarily political activists or relatives of political figures, are now seeking legal remedies and public recognition of those crimes following the 2011 Jasmine revolution. Seeking readdress for gender-based violations at the hands of state agents in Tunisia represents an important, albeit until recently, ignored dimension of Tunisia's post-revolutionary democratic transition. The establishment of Tunisia's Truth and Dignity Commission less than two years ago, is slowly changing this. The initial focus of Tunisia's nascent process of transitional justice had mainly been government corruption and human rights violations in general, without a special focus on gender-based violence. The actual extent of the –systematic use of rape and sexual assault against women by the Tunisian state started becoming an issue only after the Commission began hearing testimonies from hundreds of female survivors of sexual violence. While women were victims of state's repression including imprisonment, travel bans, and constant government harassment, they also suffered an added stigma — that of rape and sexual assault.

Over the course of an extended interview and several visits, Abd El Latif revealed that many of those crimes are still occurring and that state security agents continue to act with impunity. As the opening quote to this chapter shows, Abd El Latif confessed that she herself had been the subject of phone threats of a sexually violent nature, from unknown sources. She thinks most of these threats are made by the state security, with the intention of intimating her into dropping some of the cases, especially those implicating high-ranking state officials.

Compared to the optimistic picture of the constitutional and legal gains achieved by women in Tunisia as detailed in chapter three, the reality seems much bleaker when it comes to holding state agents accountable for their crimes against women. Not only do the testimonies of women survivors of sexual violence at the hands of state agents disrupt the widely held shared common narrative around Tunisia's historical project of state feminism, but they also throw into question the symbolic effects of this project detailed in chapter three; mainly the creation of the "Tunisian woman" as a subject.

For a state that is often hailed as an outlier in the Arab world for its record of women-friendly laws, from its post-independence progressive personal status code (PSC) to the most recent 2011 electoral parity law, the extent of the Tunisian state's abuse of its female citizens marks a paradoxical feature of state feminism in the region. As chapters two and three of this manuscript elaborated, the official narratives and laws of the Tunisian state emphasize its historic commitment to women's rights, and several recent developments, including a constitutional guarantee of electoral parity between men and women, suggest considerable substantive gains for women's rights in the arena of formal politics. These rights, a result of a historical legacy of state feminism, combined with the mobilization efforts of Tunisian women's rights advocates, did not often extend to the subject of gender-based violence, whether in the public or the private spheres. A culture of shame surrounds these crimes effectively resulting in impunity for perpetrators, whether state agents in prison cells or intimate partners at home. But while the struggle against gender-based violence committed by husbands battering their wives, or men sexually harassing women at work or on the street, have been achieving important milestones in post-revolutionary Tunisia (as will be detailed below), gender-based violence committed at the hands of state agents goes mostly unpunished.

In this chapter, I focus on the politics of the Truth and Dignity Commission in Tunisia, as an important site in which gender-based violence features in the formal procedural mechanisms of transitional justice. I move from an exclusively actor-based explanation to investigate the limitations and challenges inherent in the mobilization efforts around gender-based violence in Tunisia, focusing on the grassroots efforts to mobilize for gender justice in the context of the process of transitional justice for victims of state violence in post-revolutionary Tunisia. This chapter also compares the mobilization efforts to hold state agents accountable for committing gender-based violence, to the struggle to introduce legal reforms in other areas including domestic violence and sexual harassment. It analyzes those different outcomes and their effects on women's rights in post-revolutionary Tunisia. While Tunisia's historical legacies of women's rights enabled more advanced demands for women's rights to emerge within the formal political sphere, the central role of the state in defining the discursive meaning of women's rights in Tunisia, and in carrying out polices that implemented those official rights, created a strong patriarchal state whose agents enjoy impunity for violating those very same rights. While Tunisia's process of transitional justice created an opportunity to construct new narratives of women's rights, I argue, this made it significantly more difficult to hold the state accountable for its violations, mainly because the hegemonic state narratives of women's rights became central to the legal and political process of transitional justice.

These findings question the assumptions that gender justice and democratization necessarily go hand in hand. In addition, those findings illustrate how historical projects of state feminism produce complex and contradictory results that defy categorizations of top-down versus bottom-up social and political change. The Tunisian case shows that a strong state feminist project with a high degree of influence, enables women to enjoy formal rights in both

the public and private spheres, but leave them vulnerable when it comes to violations committed by the state apparatus and its agents.

The question of how gender justice relates to transitional justice, as well as to the wider process of Tunisia's democratic transition is not yet resolved. In addition to several difficulties relating to the set-up of the TDC itself and its mandate, structural challenges relating to Tunisia's political context, its frail political settlement, and the culture of impunity surrounding gender-based crimes, constitute serious obstacles to achieving gender justice.

In the second section of this chapter, I look at these challenges and analyze their contradictory consequences on Tunisia's political transition and women's rights. The section starts by providing a contextual background and a timeline of Tunisia's process of transitional justice and how it related to women's rights. In particular, I discuss how the establishment of the Truth and Dignity Commission in 2014 as part of Tunisia's process of transitional justice prompted a serious process of re-examining Tunisia's post-colonial heritage of women's rights in light of the testimonies of thousands of women who came forward to speak about their experiences of abuse at the hands of the state. The third section examines the grass root mobilization around gender-based violence as part of the process of transitional justice in Tunisia, and how it connects to the legacies of state feminism in Tunisia. On the one hand, I examine how individual narratives of gender-based violence committed by state agents, especially law enforcement agents and the police, enforce traditional gendered categories, perpetuating hegemonic understandings of the state's prerogative powers over it citizens, male and female. On the other hand, I look at how those same narratives provide a new discourse and practice of women's rights in Tunisia.

The fourth section of this chapter compares the mobilization efforts to hold state agents, members of the state security, police and government bureaucrats, accountable for committing gender-based violence, to the struggle to introduce legal reforms in other areas including domestic violence and sexual harassment. I argue here that, while Tunisia's democratic opening created spaces for women's rights activists of all shades of the political spectrum to mobilize against gender-based violence at home, in the street, and at work, and to introduce new bills and initiatives that complement the constitutional gains made by women in 2014, this has not been the case when it comes to holding agents of the state accountable for both their past and present crimes against Tunisian women from all walks of life. This chapter argues that women's mobilization around the process of transitional justice and the politics of the Truth and Dignity Commission, despite the challenges it continues to face, represents a rare opportunity to advance new rights claims for Tunisian women that move beyond the secular Islamic divide, engender the Tunisian democratic transition, and provide symbolic justice for Tunisian women.

The final section of this chapter analyzes the implications of these findings for our understandings of the relations between hegemonic legacies of state feminism and gender justice in the context of democratic transitions. It further demonstrates how the case of Tunisia informs broader theoretical insights regarding the state's different modalities of power, and how those different modalities affect women's rights in contradictory ways and open new spaces for resisting those powers, and redefining the parameters of women's rights in Tunisia.

The empirical evidence in this chapter is based on qualitative fieldwork in Tunisia in 2014-2015, and again in early 2017. I conducted interviews with members of the Truth and Dignity Commission, political activists belonging to all shades of the political spectrum, and individual women who filed cases and gave testimonies before the TDC. I also consulted

available government archives and collected a hundred files detailing lawsuits filed against state agents related to gender-based violence. In addition, I attended six live public hearings of the Truth and Dignity Commission in Tunis in the period between December 2016 and May 2017. I personally observed the behind-the-scenes dynamics, and preparation of the public hearings. I interviewed some members of the audience attending the hearings and followed the public debates closely, both inside and outside Tunisia, to gage the effects of the hearings on Tunisia's democratic transition, its historiography, and its future.

II. The Context of Transitional Justice: Procedural, Institutional, and Political Challenges:

Established on June 9th, 2014, with an ambitious mandate that includes handling gross human rights violations committed by the state or those who acted in its name and under its protection since July 1, 1955, the Truth and Dignity Commission was hailed by the international community as an important step forward for Tunisian transition. Initially backed by the support of Tunisia's two main political parties, the Islamic Ennhada, and their more secular rivals, Nidaa Tounes, the Commission enjoyed a full mandate of powers that include investigating alleged abuses, arbitration, and the authority to provide reparations to victims.

The Commission was established under law 53/2013, the comprehensive organizing law of transitional justice issued on December 23, 2013. According to law 53/2013, the Commission represents a legal entity that enjoys political and legal independence from the state. The Commission consists of fifteen members (commissioners) who were elected by Tunisia's constituent assembly during a special session held on May 19, 2014. Final approval of the commissioners by the legislature and their oath-taking ceremony took place on June 9, 2014. The Commission consists of six main sub- committees: The Institutional Reform Committee, the

Committee for Arbitration and Reconciliation, the Committee for Investigating and Recording the Crimes against the Tunisian People, the Committee for Preserving the National Memory, and the Gender Committee.[175] The women's rights sub-committee was the last of the Commission's committees to be established with a separate by-law and broad mandate that includes a) gender-mainstreaming of all the Commission's activities, b) investigation of all violations of all forms of gender-based violence, and c) the development of a nation-wide database of all such violations.[176]

From the very start, the process of establishing the Truth and Dignity Commission became deeply embroiled in the conflicts over Tunisia's fragile democratic transition. The establishment of the Commission, its mandate, and the selection of its members became the subject of in-depth criticism and increased polarization among different political factions. On the one hand, the selection of the Commission's fifteen members by the Ennhada-led constituent assembly backed by the then government was criticized by many of their political opponents. Ennhada was often accused of selecting civil society activists who were more sympathetic to the Islamic bloc and who did not adequately represent the diverse voices within the Tunisian civil society. Most of the controversy here centered around the appointment of Sihem Bensidrine, a former journalist and human right's activist, to head the TDC. She was seen by many of Ennhada's more secular opponents as a guarantee that the commission will serve the Islamic agenda. Bensidrine, who was accused by the media and by some of her fellow members of the

[175] The annual report of the Truth and Dignity Commission (In Arabic), 2015: 35-37.

[176] Gender mainstreaming refers to the public policy concept of assessing the different implications for women and men of any planned policy action, including legislation and programs, in all areas and levels. The next section details the efforts of the women's rights commission of the TDC to mainstream gender as a basic concept of transitional justice.

Commission as serving the agenda of the Troika government, had been working on human rights cases that involve torture against members of Ennhada by the Ben Ali regime since before the 2011 Jasmine revolution.

In addition to the selection of its members, the Commission faced a series of challenges related to its lack of coherent policies or agreement over a unified roadmap for what transitional justice would look like in Tunisia. Although the Commission had begun its work, there was no agreement on its mission; would the commission investigate charges of corruption committed by members of the old regime or just human rights abuses, or both. Up till the end of 2016, the commission could neither publicize its work nor do much about the charges of corruption and human rights violations that it was investigating. In many ways, the lack of progress in Tunisia's process of transitional justice was closely tied to the political deadlock that engulfed the country, and a symptom of its rather tenuous political settlement that paved the way of a power-sharing arrangement among the country's Islamist and secular political powers.

The lack of a clear and comprehensive process of transitional justice and real de facto power on the part of the Commission for two years after its establishment and up until late 2016 were direct symptoms of Tunisia's wider political polarization. While the Commission itself was the product of Tunisia's fragile democratic settlement, it seemed to inherit many of its unresolved issues since 2013. By early 2013, Tunisia's entire democratic transition was facing grave danger. Mutual distrust was common among all parties, and the need for external mediators that enjoyed historical legitimacy to step in was great. The general union of Tunisian Workers UGTT stepped in and managed to mediate a historical settlement in October 2013, one that saved the fragile democratic transformation that was by then fraught with polarization. This political settlement was based on three fundamental compromises. The first was electoral

legitimacy, which meant that only the parties elected to the Constituent Assembly participated in the National Dialogue. The second was equality of representation, which meant that each party got two representatives, regardless of the size of its constituency or the number of votes it got in the first election. The third and final negotiated compromise of this historic settlement was Ennahda's promise to toughen up its security measures against the growing threat of Islamic terrorism. Each of these elements affected transitional justice in general, and gender justice in a variety of ways as will be detailed in the next several pages.[177]

Such a delicate balance of the electoral and political settlement in Tunisia made both Ennahda and Nidaa Touni reluctant to pursue a real process of transitional justice. Ennahda's reluctance seems curious, given that most female survivors of state sanctioned gender-based violence are members of the Islamic opposition or family members of male members. The reluctance of the leadership of Ennahda to confront the history of violence against its female members, despite the enthusiasm of their wider constituency for the Commission, was criticized by several young members. One such member told me during an interview in early 2015 that "such reluctance stems from the political leadership's need to make peace with the deep state in Tunisia, especially the state security."[178] Many young cadres of Ennahda expressed their frustration with the 2012 Ennahda- controlled parliament consistently delayed issuing the law for transitional justice and the establishment of the Commission. This continued to be the case even after Nidaa Tounes's sweeping victory in both the parliamentary and the presidential elections of 2015.

[177] For more details on this historical settlement, see chapters two and three of this manuscript.

[178] Author's interview with Karim, a young cadre of Ennahda, April 4, 2014. The term "deep state" had been used to refer to the institutional set-up and influential members of the old regime who are still powerful within the state apparatus in Tunisia. This term came up in many of my interviews with members of Ennahda but it had been used to refer to the old regime apparatus in both Tunisia and Egypt since 2011.

Ennahda did nothing to oppose Beji Caid Essebsi's, Tunisia's current president, move to propose an economic reconciliation law, one that provides impunity for financial corruption to many members of the old regime. Essebsi's proposed law directly conflicts with Tunisia's comprehensive transitional justice law that the previous Islamist majority parliament passed in 2013. Ennahda's inaction speaks volumes of its reluctance to deal seriously with the legacy of state-sanctioned human rights abuses, fearing that doing so will disrupt an already fragile political settlement. Some members of Ennahda also link the increasing security threat facing Tunisia with their leaders' reluctance to deal with human rights abuses on the part of members of the security apparatus. The reason for that alleged reluctance was their fear that doing so will confirm public accusations directed against them of condoning radical Islamic groups.

Members of all shades of the political spectrum- and especially Islamic and leftist opposition members – have always known about the institutionalization of rape and sexual assaults as forms of torture by the state authorities in Tunisia, against both men and women. Nevertheless, the extent of the use of rape as a weapon of political intimidation and the number of women who had suffered from sexual abuse at the hands of state agents is staggering. Since the Commission began to hear testimonies, an ugly picture of the state's systematic use of sexual violence against female members of the opposition as well as female members of the families of opposition members began to emerge. According to the commissioners, between June 2014 and December 2015, thousands of women came forward recounting stories of being raped and tortured while held in detention with some suffering lasting physical and psychological injuries.

While the Commission has successfully gathered testimonies from more than 30,000 survivors of torture as of 2017, it was not clear up until 2016 what exactly would be done with

these testimonies.[179] Some suggested airing a selection of the testimonies on television, but politicians from all sides initially feared that this would inflame and polarize the country further. The Commission members have themselves disagreed over this; with some favoring a model of reconciliation via telling the truth while granting some form of legal amnesty for perpetrators. Others have argued for providing past victims with legal means of justice, including court hearings and retributions. No special chambers had been set up for either purpose. It should be noted here that the Tunisian government had already started giving some citizens reparations for crimes committed against them even before the Commission was established.

Most of those who did receive monetary reparations say that it is either not enough or that they had hoped for some form of justice above all.[180] Moreover, the Commission's lack of real power to carry out its mandate became apparent when Bensidrine tried recently to access state security files in the ministry of interior and secure the archives of the presidential palace, only to be blocked by the presidential guards and denied access to the national state archives. The "presidential palace incident," as it later became known in the media, betrayed a sense of crises over the Commission's purpose. The head of the Commission Sihem Bensidrine launched a media campaign in both local and international media outlets that was designed to embarrass the

[179] While there are no definite figures of how many survivors of sexual violence as a form of torture testified before the Commission until now, an approximate figure that was given to me in September was between 8,000, and 9,000. This covers the period from July 2014 to September 2015. During my last fieldwork trip to Tunisia in early 2017, the figure rose to around 10,000 though it is difficult to estimate whether this refers to the aggregate number of women who testified before the Commission, or to the number of gender-based violations that occurred. Most files remain classified and thus it is difficult to reach an exact number, although the estimations are reliable according to all the commissioners that I interviewed.

[180] The state started giving reparations to the families of the martyrs of the revolution and those who were injured as early as 2011.

government and open some institutional spaces for the process of transitional justice in Tunisia to proceed forward.[181]

In many ways, Bensidrine's tactics paid off and in November 2016, The Truth and Dignity Commission held its first public hearings for victims of human rights violations at the hands of state security agents, prompting a wave of political controversy as Tunisia's history of state feminism came under national scrutiny. Tunisia's picture-perfect self-image as a pro women's rights state became unsettled as thousands of women came forward to recount painful stories of their torture and sexual humiliation at the hands of state security agents. More importantly, and parallel to the formal process of transitional justice, a bottom-up mobilization movement began to collect the public testimonies of female survivors of state violence with the aim of using them as a vehicle for both legal mobilization and as a tool for rewriting an alternative history of women's rights in Tunisia, one that features the voices of ordinary Tunisian women.

The mobilization efforts by Tunisian women to collect personal testimonies of gender-based violence emerged as a rather unexpected consequence of the initial failure of the Truth and Dignity Commission to challenge the state's security apparatus and the total impunity they enjoyed when it came to torture and abuse of citizens in Tunisia. The details of how these efforts started and snowballed will be discussed in detail in the next section. However, it is important to note here two main effects or unexpected consequences of the establishment of the TDC on the politics of women's rights in Tunisia. First, the initial failure of the TDC to function effectively during its first few years prompted several attempts to push the two largest political forces in

[181] For more details on this incident and its coverage in the international media see: http://www.theguardian.com/world/2015/sep/11/attacks-state-tunisia-truth-commission-crisis-democracy

Tunisia to put pressure on Tunisia's security sector. Those attempts were initiated primarily by the human rights movement, and by ordinary Tunisian women who were not thus far part of any political movement in Tunisia. Such mobilization for human rights and justice represented an important episode of citizen engagement in post-revolutionary Tunisia and it paved the way for the real launch of the Commissions' work with the airing of its first public testimony in November 2016.

Secondly, the initial failure created a situation where Tunisia's formal political success in constitutionalizing women's rights became juxtaposed with its failure to prosecute state agents involved in human rights violations against the Tunisian people, including gender-based violence against women. These opposite effects prompted a serious process of re-examining Tunisia's post-colonial heritage of women's rights and brought into sharp focus the contrast between its positive track of pro women's reforms, and the reality of extensive abuse ordinary Tunisian women suffered at the hands of state agents under both Bourguiba and Ben Ali.

In summary, the process of transitional justice in Tunisia had a slow start, mainly due to the tenuous nature of Tunisia's political settlement between the two parties that share power: Ennahda and its rivals, Nida's Tounes and other secular forces. This uneasy alliance created a situation whereby both parties were reluctant to force the former regimes past human rights violations, in fear that this will lead to fracturing the nascent peaceful democratic transition in Tunisia. While this could have lasted longer, one unexpected consequence of the establishment of the TCC itself was the growing grass-root mobilization around justice for the victims of human rights violations committed by the former regimes of Ben Ali and Bourguiba. The establishment of the commission, coupled with the new open spaces for rights-mobilization created by the democratic opening enabled a new type of grass-root activism around women's

rights to occur, one that would challenge the historical narratives of Tunisia's pro-women state feminism.

III) Mobilizing the Truth and Dignity Commission: Women Fighting Against the State:

Following the establishment of the TDC in 2014, thousands of Tunisians who suffered at the hands of state security officials began to approach the various regional offices affiliated with the Commission which had opened in their home towns across the country. For many of them, telling their stories was not easy. Revisiting painful periods of their lives when they suffered from torture and had to hide from the police for years would often trigger past traumatic experiences. This was even more so in the case of women survivors of state violence. The list of abuses against Tunisian women who were members of the opposition–the wives, sisters, and mothers of opponents–is very long. These women experienced harassment, sometimes on a daily basis, from police who entered their homes at any hour day or night and with the help of other authorities pressured them to divorce a beloved husband thus depriving them of income and forcing them to bring up children alone. Women were also jailed, tortured, and raped. Stigmatized by a traditionalist society after time in prison, these women were often banned from working, high schools, universities, and even hospitals, including those seeking care for small babies.

Yet, despite the ordeal of many of these women, the number of testimonies lodged by women in the local offices of the TDC was very low until early 2016. When public audiences started at the Truth and Dignity Commission's offices, only 10% of victims coming to testify had been women.[182] There are several reasons that women survivors were less likely to come forward

[182] For more information, Olfa Belhasine. "Fear and Trauma Silencing Tunisia's Women Victims", Justice Info.net, November 21, 2015: http://www.justiceinfo.net/en/component/k2/3093-fear-and-tauma-silencing-tunisia%E2%80%99s-women-victims.html (Accessed on 3/1/2016).

with their stories. First, women were often indirect victims of the dictatorship, suffering mostly because of their relationships with men. Secondly, many of them did not even realize that some of the violations they suffered merit being included in the official records of the Truth and Dignity Commission. According to Ibtihal Abd El Latif, the head of the gender unit at the Truth and Dignity Commission:

> Some women who were victims of the repression do not have access to the necessary information, while others live far from the capital and do not have the means to take part in hearings. We also know that they are often afraid to testify about what they suffered in detention, for fear of being stigmatized.[183]

Another reason that many women felt that their testimonies were useless in the beginning was the lack of clear procedures on the part of the TDC itself, especially in the first couple of years. Until late 2016, many female survivors of sexual violence felt that their testimonies were pointless. As one member of Ennahda who is also a survivor told me: "Why would I go and give my testimony? I am not seeking any financial reparations. I am seeking justice. I want to see those who assaulted me admit their crimes and apologize. I will only go if that is possible". [184] Others who gave their testimonies seemed without much hope that the process would lead to much, given the general atmosphere of impunity that surrounds state institutions amid the determination of different political actors to preserve the sanctity of public institutions, especially the security sector.[185]

In addition to the structural factors detailed above, a culture of shame surrounding crimes of a sexual nature has colored both the intentions and actual procedures of the Commission. So

[183] Author's interview with Ibtihal Abd El Latif, Commissioner and Head of the Gender Unit at the Truth and Dignity Commission, Tunis, January 17, 2017.

[184] Author's interview with Fatma, female member of Ennahda, February 17, 2017.

[185] Allegations about Tunisia's "deep security state", and how it was fighting any attempts for justice for victims of state violence were also cited as a common reason for lack of progress when it comes to transitional justice in most of the interviews I conducted with female survivors of state sexual violence in 2014.

far, there have been no real incentives for survivors to confront this culture of shame and silence. Many survivors belong to the Islamic movement in Tunisia, and, for them, sexual violence is a topic they are not prepared to discuss in public. According to several reports from women's rights organizations in Tunisia, one of the biggest hurdles to combating gender-based violence in Tunisia, despite the existence of strong laws that prohibit all forms of gender-based violence, remains the low level of reporting those crimes to the police and courts.[186] The reason behind this is the culture of shame surrounding women who speak publically of those crimes. The fact that many of those why endured torture at the hands of the state are women who belong to the Islamic movement and who often come from the interior and more rural parts of Tunisia, makes it even harder for them to speak about the sexual violence they endured for years.[187]

The situation began to change towards the end of 2014. Around this time, several citizen initiatives began to form in a few Tunisian cities with the aim of collecting testimonies from survivors of state violence to deliver those testimonies to the Truth and Dignity Commission. The goal behind such grass-root attempts to collect testimonies was to lobby the government to take the necessary steps towards providing justice to the survivors. One of those citizen initiatives was "Nisaa Tounisait," which translates as "Tunisian women." "Nisaa Tounisait," an initiative started by several young Tunisian women of Islamist leanings in late 2011, felt that

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[186] For more details on the prevalence of gender-based violence in Tunisia and the reasons behind the low rates of report to all forms of gender-based violence in Tunisia, see: http://www.tunisia-live.net/2016/06/08/majority-of-tunisian-women-have-experienced-violence-in-a-public-space/

[187] This applies specifically to female members of Ennahda who are originally from rural parts of the country. The interior poorer parts of Tunisia are significantly more conservative than the more affluent coastal cities where also attitudes around women's rights are more liberal. That said, it should be mentioned that the female leaders of Ennahda, those who hold higher position in the party hierarchy are mostly middle class educated women. For more details about the social composition of Ennahda, see: Ounissi, Saida. 2016. Ennahda From Within: Islamists or Muslim Democrats? *Rethinking Political Islam Series,* Brookings Institute at: https://www.brookings.edu/research/ennahda-from-within-islamists-or-muslim-democrats-a-conversation/

their concerns were not addressed by other women's rights groups or feminist associations who were active in Tunisia under Ben Ali. One important issue that they felt had been left out of the post-revolutionary debate on women's rights in Tunisia was the abuses that women suffered under Circular 108, a by-law introduced by the Tunisian government in the eighties to ban the veil in all institutions of higher education.

Circular 108 was first introduced as part of a then broader crackdown against the Islamist opposition and was meant to target the female members of Ennahda, which was then a banned political movement. Bourguiba first introduced curbs on the veil, in 1981.[188] This policy was renewed under Ben Ali by other circulars in December 1991 and strengthened in February 1992, banning the wearing of a headscarf by civil servants and by staff in all state-run educational institutions. The official state ban on the veil was further widened in 2003 to also include a ban on the headscarf for any civil servant working in the public health sector. While this ban did not extend to female employees working for other governmental agencies or ministries, several women told me during interviews that most veiled women were often discriminated against when they applied for jobs with the Tunisian government and had to seek employment in the private sector instead. Houda, a veiled judge at the administrative court in Tunisia told me that she had to file a lawsuit in the court in 2002 when she was denied an appointment in the judiciary, only because she was veiled, an appointment she was qualified for. [189]

While Houda fought for her right to be appointed as a judge, many other women simply gave up on continuing their education or on pursuing careers in the public sector because of the

[188] An older version of Circular 108 was first introduced by Bourguiba in 1981. It was later widened in 1985 to include all institutions of higher education registered by the state's ministry of higher education. As I tracked the history of this by-law, it became clear that the state had only increased the scope of its application over time to include any form of government employment. In addition, it was often used to discriminate explicitly against women who wear the veil in judicial appointments as well, based on several interviews with female judges.

[189] Author's Interview with Hiba, Administrative Court Judge in Tunisia, April 25, 2017.

de facto ban on the veil that was often enforced against them. Effectively, this meant that for any Tunisian woman who wanted to either get a higher education beyond secondary school or work for the Tunisian government at any level, the veil was an obstacle. Because of circular 108, thousands of Tunisian women throughout the 1990's and up until the 2011 Jasmine revolution were banned from continuing their education or taking state jobs.

For the small group of women who formed "Nisa'a Tounisiat" in 2011, this was a cause that hit close to home. Many of them had suffered personally as a direct consequence of Circular 108. They had lost dreams or ambitions of becoming a doctor, an engineer or a lawyer because they were not allowed to continue their education and wear the veil at the same time. For many, the choice was a difficult one, and an increasing number of them elected not to continue their education. These women felt that their personal stories and tragedies did not make it into the official narrative on women's rights in Tunisia. While public debates around women's rights centered on the formal gains that women were making in the constitutional drafting process and the need to introduce stricter laws to combat violence against women in both the public and the private domains, many veiled women felt that their grievances were not being addressed either in the debates on women's rights at large, or as part of the debates on transitional justice and gender. In addition, a number of these women wanted official recognition from the state for the violations committed against them. Some even sought reparations or some form of compensation for being prevented from continuing their education or taking state jobs that they were qualified for but denied.

In the fall of 2011, several of these women came together and started Nisa'a Tounisiat, with the hope of collecting as many testimonies from women who were either directly affected by Circular 108 or who suffered some other form of violation at the hands of state agents. Nisa'a

Tounisiat began as an informal group that met in Tunis, the Capital. As the group established an online presence and a Facebook page, their numbers increased rapidly, and they began to form chapters in other Tunisian cities and towns. Eventually, the group registered as a non-governmental organization whose mission was to represent a new version of women's rights in Tunisia. As one of the founders of the group told me in 2014:

> We wanted to expose the plight of hundreds of Tunisian women who felt that their experiences and grievances were not represented by the more active and famous women's rights organizations in Tunisia like the AFTD. While we appreciate the work of those organizations, we often felt that there was a particular bias against the experiences of more conservative women, and especially women who wore the veil. We were also Tunisian women. Many of us were not members of the Islamic current, but we still suffered greatly under the Ben Ali regime for choosing to exercise our right to wear the veil. We felt that what we suffered from was a form of violence against women that was not often talked about. It needed to part of the conversation on women's rights and transitional justice.[190]

Attempts by Nisa'a Tounisiat to compile and record the stories of women led them to other women who even had more harrowing stories that involved sexual violence at the hand of state agents. As another member of the group recalls:

> When we started forming groups that collect stories in different parts of Tunisia, many women came forward to tell us stories of how they were taken by the police, stripped naked, and sometimes raped by several security agents. Many of them were girls, and they were ashamed to go back home. Their only crime was carrying political leaflets that Ennahda distributed. Other women were held and violated because their brothers or husbands were members of the Islamic opposition. Their stories were heartbreaking, and it made us realize how lucky we were not to be violated in this way. Most of them came from poorer regions in Tunisia, and their plight was double since they were also marginalized and, did not have access to the media or the government.[191]

The stories collected by Nisa'a Tounisiat became an important vehicle for personal and political redemption. For many women who recounted their ordeals to other similarly situated women, a sense of feminist solidarity was created. In addition, having their stories recorded publicly, and

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[190] Author interview with Hala, Founding Member of Nisa'a Tounisiat, Tunis, January 23, 2017.

[191] Author interview with Ola, Founding Member of Nisa'a Tounisiat group in Kasserine, Kasserine, February 3, 2017.

agreeing to file their case before the courts, became not only an act of personal empowerment but also a new form of political activism. On the one hand, the collected stories had one noticeable policy impact: they managed to inspire civil society activism in unanticipated ways by triggering the creation of new forms of grass-root organizing that sought to reconcile the personal history of the survivors with the official public history of the state. As the next two sections further elaborate, this activism through collecting personal accounts initiated a heated public debate over social and political memory and succeeded in kick starting the work of the commission since it encouraged the commission to finally begin, in November of 2016, to organize a series of public hearings for the survivors. Thus, this bottom-up process of collecting and documenting the survivors' stories both reflected and unsettled the political balance of power during Tunisia's transition in unforeseen ways, triggering the creation of an institutional space where Tunisia's historical process of state feminism came under scrutiny, and new feminist subjectivities emerged that exposed the tensions and contradictions that characterize the role of the Tunisian state in the lives of Tunisian women.

This new discourse began to take shape and enter the national consciousness during the early TDC public hearing sessions of November 2016 in which survivors of state violence and repression under the former dictatorships of both Ben Ali and Bourguiba began to share their stories publicly. The hearings presented an essential opportunity for the country to confront its painful past. Thousands of viewers and listeners tuned in on national television and radio, joined by a worldwide audience through digital streams in English, Arabic, and French.

During the very first hearing, the TDC President Sihem Bensedrine began the evening by addressing the audience, imploring them to listen to the victims' stories and to heal together as a country through coming to terms with this painful past. Women were among the survivors of

state violence who spoke that first night as well as in subsequent public hearings in the following few months. Women's testimonies were quite poignant. Mothers spoke about losing their sons; political activists described how they were tortured, raped and threatened by the state security for years; wives, sisters, and fiancées of Islamist and leftist activists who were held by the state security detailed how they were sometimes tortured and raped as a way to force the men in hiding to appear.[192] As the public hearings of the Truth and Dignity Commission become more regular, several interesting public reactions to those stories started to occur.

Many supporters of the old regime began to accuse the survivors who shared their stories publicly of doing this just to get some form of compensation and not because they were interested in telling the truth. Some media outlets accused the survivors of just wanting to become famous and to receive money out of it; others accused them of only wishing to smear the Tunisian security amid a series of terrorist attacks that threatened Tunisia.[193] Such public reactions were understandable, given the political polarization in Tunisia among those supporting the old regime and its newest incarnation in the shape of "Nidaa Tounes," the current majority party whose makeup consisted of a good number of individuals from the old regimes of Bourguiba and Ben Ali. What was surprising was the unexpected reactions to the personal testimonies of women who had survived state-sanctioned gender-based discrimination and

[192] Those reflections are based on personal observation during the six public hearings of the Truth and Dignity Commission that I attended

[193] A series of deadly terrorist attacks occurred in Tunisia after the 2011 Jasmine revolution. The most notable among those attacks were the mass shooting that occurred at the tourist resort at Port El Kantaoui, about 10 kilometers north of the city of Sousse, Tunisia in June 2015. Thirty-eight people, 30 of whom were British, were killed when a gunman, Seifeddine Rezgui, attacked a hotel. It was the deadliest non-state attack in the history of modern Tunisia with more fatalities than the 22 killed in the Bardo National Museum attack that occurred three months before. Both attacks received widespread condemnation around the world and highlighted Tunisia's security problem following the revolution.

gender-based violence. For many historians of modern Tunisia and many legal experts and jurists, this new insight into women's rights in Tunisia was deeply problematic as it challenged and negated most of the nationalist historiography of Tunisia. In the words of one Tunisian feminist and historian at the University of Manouba in Tunis:

> I think what was troubling about many of those testimonies was that they introduced a drastically different picture of Tunisia's past. Bourguiba's legacy was suddenly being questioned since it became clear that not all Tunisian women benefited from the state's pro women's rights reforms. The testimonies of the women who could not continue their education because of Circular 108 showed that the state supported only one kind of woman: a woman who exemplified the modern Tunisian secular woman. That was perhaps the most troubling aspect of many of those public hearings, how the exposed the limitations of the historical project of state feminism in Tunisia.[194]

However, women's rights were not the only point of contention that Tunisian historians had with the Truth and Dignity Commission. In fact, as more public hearings of the Truth and Dignity Commission were aired, many Tunisian historians started to publicly criticize the methodology of the TDC, which mainly relied on the use of personal testimonies. The public debates surrounding the legacy of Bourguiba explicitly promoted such a heated media debate in the Tunisian press that several Tunisian academics and historians issued press statements condemning what they believed to be "an intentional fabrication of the proper scientific methods of historical inquiry that the Truth and Dignity Commission is engaged in".[195]

According to the press release issued by an independent group of around sixty Tunisian historians, the methods used by the TDC should be revised on the grounds that they violate the proper scientific methods used for historical inquiry and produce a biased view of the entire history of Tunisia from the narrow perspective of the life histories of only a handful of

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[194] Author's interview with Olfa, feminist historian and professor at the University of Manouba, March 19, 2017.

[195] The full text of the press release issued by sixty Tunisian historians on the work of the Truth and Dignity Commission and its rewriting of modern Tunisian history can be found in Arabic on: http://www.assabahnews.tn/article/147305/

Tunisians. This press release came as a direct response to an earlier call by Sihem Bensidrine the head of the TDC to Tunisian historians to engage in a rewriting of the entire history of modern Tunisia from the perspective of its citizens. Bensidrine's call for a new bottom-up history of Tunisia betrays the increased politicization of the work of the Truth and Dignity Commission, and the symbolic struggles over memory, history, and the meaning of rights that were unleashed by the personal testimonies of ordinary Tunisians, including women. This symbolic effect of the public testimonies was even more important when it comes to women's rights in Tunisia.

When it comes to women's rights, the female survivors' stories significantly disrupted the national narrative of the Tunisian women-friendly state and exposed the exclusions that are inherent in such a discourse. As one survivor of state sexual violence who testified before the commission in one of its first public hearings observed after giving her testimony: "Who is the Tunisian woman? I kept hearing about this ideal Tunisian woman. I am not this woman. I have not met any Tunisian woman who represents this ideal. The ideal Tunisian woman is a figment of the nationalist imagination. Her rights are conditional upon her fulfilling a specific image and role in the nation".[196]

Peterson (1977: 360) famously described the state as a male protection racket. Women who refuse the state's protection bargain are held responsible for any violence encountered because of their self-assertion, including violence perpetrated by the state.[197] This relationship of dependence is exacerbated by the heightened need for protection that ensues and leads to the

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[196] Statement by a Tunisian woman about the discrimination she suffered because of circular 108 and how she was banned from continuing her education, Truth and Dignity Commission Public hearings, March 17th, 2017 (Attended personally by the author).

[197] Peterson, Susan Rae. "Coercion and Rape: The State as a Male Protection Racket." *Feminism and Philosophy*, edited by Mary Vetterling-Braggin, Frederick A. Elliston, and Jane English. Totowa, New Jersey: Rowman and Littlefield, 1977. 360-371.

acceptance of "more authoritarian and paternalistic state power" (Young 2003: 2).[198] The above description by both Peterson and Young aptly describes the relation between women as legal subjects and the Tunisian state as it was historically both feminist and paternalistic. Rather than seeing this dual character of the state as inherently contradictory, the experiences of generations of Tunisian women who were discriminated against because of their individual choices to wear the veil or because of their political activities should just be conceptualized as the other face of an authoritarian feminist state where women's rights played a highly significant political role in legitimizing the post-colonial Tunisian state. Women's rights were used as a key legitimizing tool of the Tunisian authoritarian regime, and as testament of its ability to control the private sphere of its citizens' lives. Subverting hegemonic understandings of women's rights and subverting this dominant narrative of a pro-women's rights state became a symbolic political act of resistance to the state's hegemonic power.

In such a sense, the symbolic meaning of the personal testimonies of the survivors of state- sanctioned gender-based violence goes beyond the mere application of justice. Women's statements about state-sanctioned gender-based violence and the public debates they created had the effect of revising the official state's narratives of women's rights and of widening the scope of what constitutes feminist or women's activism in post-revolutionary Tunisia. By introducing the narratives of women and what happened to them at the hands of the agents of the state, Tunisian women in general, and not just those who testified before the commission, were able, in the words of one feminist writer, "to reclaim back their history and write themselves into it again."[199]

[198] Young, Iris Marion. "The Logic of Masculinist Protection: Reflections on the Current Security State." *Signs: Journal of Women in Culture and Society*. 2003, 29(1): 1-25.

[199] Author's interview with Olfa, feminist historian and professor at the University of Manouba, March 19, 2017.

IV: Beyond Impunity: The Struggle for Gender Justice and the Security State in Tunisia:

For the hundreds of men and women who have been willing to come forward and give their testimonies to the Commission, this was a political as well as personal act.. Dealing with past abuses at the hand of the state was for them the only way to move forward and one important tool through which institutions of the deep state could be reformed. In the word of one survivor who, as a student, was sexually assaulted in detention for distributing political leaflets on campus:

> I am not sure what will happen to my testament now. I know that names of the policemen who assaulted me but I am not sure where they are now or even if they are still alive. What matters is that my statement will let the Tunisian people know that these practices could no longer occur with total impunity.[200]

Despite the bravery of many of those who testified before the Commission, little has been done until now to prosecute any of the officers who committed these crimes, even though many of the survivors named them during their testimonies. In the words of one of the survivors of torture and rape at the hands of two policemen:

> I know my two rapists. People in my town know them. The commissioners who interviewed me know them. They told me that they could come here and seek impunity in exchange for admitting their mistakes, or face trail. They did not come, and I don't think they ever will. This is not just the case with me. It had been the case with all those who had raped and tortured us. Not a single security agent had been convicted so far.[201]

In addition, many survivors of state-perpetrated sexual violence felt that the Commission lacked the basic conditions for dealing with crimes of a sexual nature, including ensuring the privacy of survivors and providing rehabilitation. Many survivors also noted that the procedural rules governing the Commission's hearings, such as the preparation of case files and the provision of

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[200] Author's Interview with Siham, female member of Ennahda and survivor, February 14, 2017.

[201] Author's interview with Hind, Female survivor of state's violence, March 7, 2017.

reparations, needed to change accordingly to reflect the nature of the crimes. While the state had done much to combat gender-based violence in general through the recent introduction of a new comprehensive law to combat this type of violence, there is almost no equal effort to prosecute state agents who committed gender-based violence of a sexual nature.

According to several of the survivors I interviewed, such impunity is the direct result of indecision on the part of the Commission for what should be done with the testimonies. While the Commission's by- laws do not explicitly state whether survivors are allowed to pursue the traditional justice path which includes a lawsuit before the state criminal courts, many of those who gave their testimonies were hoping that there will be a special tribunal with special procedures to prosecute these crimes. So far, no such body has been set up. In addition, there are currently no plans to do so, despite initial mentions of such a body in the original text of the main law governing transitional justice, Law 53/2013, issued on December 24th, 2013. The lack of political will to prosecute state agents who committed rape and sexual violations against women stands in sharp contrast with the growing mobilization against gender-based violence in general in post-revolutionary Tunisia. In addition to article 46 of the new 2014 Tunisian constitution that was discussed in detail in chapter three, the Tunisian parliament recently issued a new comprehensive law against gender-based violence that redefines sexual harassment in the workplace and the streets, makes it more punishable by law, introduces harsher penalties for domestic violence, and makes it difficult for rapists to escape prosecution in cases where they are married their victims.[202] This new law, approved by the Tunisian parliament on July 26, 2017 is

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[202] For more details on the new comprehensive law against gender-based violence in Tunisia, see this report by Human Rights Watch: https://www.hrw.org/news/2017/07/27/tunisia-landmark-step-shield-women-violence

considered a landmark step for women's rights. The new law provides women with the measures necessary to seek protection from acts of violence by their husbands, relatives, and others.

The new law came into being because of sustained years-long efforts by the women's rights movement. While it introduced harsher penalties for domestic violence and sexual harassment in the workplace and the street, there were no similar efforts to prosecute crimes committed by the state security agents and to combat the impunity that they enjoy. According to one women's rights activist and lawyer who specializes in cases related to violence against women, broadly defined:

> While the new law represents a huge step forward for women's rights in Tunisia, and while it will make it much easier to prosecute husbands who batter their wives and bosses who sexually harass their female employees, it is not clear how the new law will help women who are victims of harassment from the police. The woman who just left my office now was stopped and beaten up by two policemen last night as she was leaving a nightclub. They took her to the police station, claimed that she was drunk and beat her up. They can still do this to anyone, and they enjoy total impunity.[203]

Emna's statement and the story of her client echoed another famous case that happened in 2012 and was widely covered by the Tunisian and international media. A young woman named Meriam was out at night in the car with her boyfriend in the capital, Tunis. They were stopped by two policemen and separated. While the boyfriend was taken into custody, the woman was taken to a police car and raped by the two officers. Meriam spoke up against her rapists, and her case was taken up by the Tunisian feminist movement. After an extensive media campaign led by some of Tunisia's most prominent women's rights activists and a protracted legal battle, the two policemen were prosecuted by the court in November of 2014 and received initial sentences of

[203] Author's interview with Emna, lawyer and women's rights activist, May 4, 2017.

seven years in prison each. Their sentences were later doubled to fifteen years in jail each, after an appeal by the victim.[204]

While the case of Meriam brought a lot of attention to the impunity that the police still enjoy in Tunisia, it was still considered a one-time success as it did not lead to more prosecutions for state agents who committed gender-based violence or crimes of a sexual nature. According to another lawyer who also specializes in crimes related to gender-based violence, broadly defined, and who was part of the legal team for Meriam's case, her case successfully highlighted crimes of the police in Tunis, but it did not lead to the expected changes that women were hoping for:

> Meriam's case went viral, and it exposed the degree to which state security agents in Tunisia could violate women's rights and citizen's rights without any form of punishment. While Meriam's story became well known all over the world and was even turned into an award-winning movie, there were hardly any other prosecutions for police officers who violated women whether as they were being held in custody or the streets.[205] For as long as the police in Tunisia could rape and violate with total impunity, despite the hundreds of cases gathered by the Truth and Dignity Commission over the past few years implicating them clearly and without a doubt in those crimes, the battle to combat violence against women in Tunisia will always remain incomplete. The AFTD (Association of Democratic Tunisian Women) had always stood up to state's violations against women, and we will continue to do so.[206]

Although various efforts to introduce stricter laws and harsher sentences for crimes related to gender-based violence have been effective in Tunisia, when it comes to such offenses committed by state agents the extent of the power of the state over its citizens, particularly women, is ever more evident. The power of the Tunisian state and the impunity that its agents and especially the security apparatus still enjoys affects women's rights in several contradictory ways. On the one hand, the state's championship of women's rights and the introduction of many legal reforms in

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[204] For more details on Meriam's case, see: http://www.bbc.com/news/world-africa-30138998

[205] Meriam's case was turned into an award-winning feature film that was shown in the 2017 Cannes films festival, and won several awards. For more details see: http://www.hollywoodreporter.com/review/beauty-dogs-1003573

[206] Author's Interview with Amina, lawyer and member of AFTD, March 18, 2017.

this field, whether before or after the 2011 Jasmine revolution, meant that women enjoyed a set of rights that were unprecedented in the region. Law served as an important mechanism for advancing women's rights, and the legacy of the past legal gains that women enjoyed since independence created a situation where women's rights became a purview of the state. Mobilization for women's rights in Tunisia thus adopted a top-down strategy that targets legal reforms as the primary tool for improving women's rights.

On the other hand, while those formal attempts at top-down mobilization succeeded when it comes to constitutionalizing women's rights, introducing new laws like the latest laws that address violence against women and combat domestic violence, workplace and street sexual harassment, those same formal attempts would often fail when it comes to holding the state itself accountable for its crimes against women (and men). Impunity for state agents meant that the state in Tunisia remained above the law that it created. Attempts by both new women's rights associations, like "Nisa'a Tounisiat", and veteran women's rights groups that existed under Ben Ali, like the AFTD, to hold state security agents accountable for their crimes against women within the context of the TDC have primarily failed.

The diverse outcomes and dynamics of the process of transitional justice launched by the Truth and Dignity Commission challenge commonly held perceptions of the legacies of the Tunisian state pro-women's rights past and opens that door for a more sophisticated interpretation of feminist engagements with the state and its laws in ways that go beyond the binary of top-down and bottom-up mobilization episodes. With new women's groups forming and more bottom-up forms of mobilization against the crimes committed by state agents against women taking place, a new kind of rights consciousness began to take root in Tunisia. As new subjectivities emerged that challenged the long-held beliefs on the historical project of state

feminism in Tunisia, the contradictory effects of state feminism in Tunisia on women's rights have become more acknowledged and the prerogative power of the state overs its citizens, both female and male, has become better understood and resisted.

While some analysts had pointed out that those new alternative notions of women's rights that emerged with the mobilization efforts around transitional justice show a contradictory image of Tunisian women to that put forward by women's rights activists, my research shows a more complex reality.[207] Such an alternative discourse of women's rights, produced by the bottom-up mobilization that occurred on the margins of the processes of transitional justice, appears not to be about the *sam*e women that the nationalist discourses of women's rights in Tunisia describe. Despite this fact, he efforts to combat violence against women committed by the state seems to be bringing together women's activists from all walks of the political spectrum rather than driving them apart. The category of the "Tunisian woman" is becoming more inclusive of alternative understandings of women's rights that are not necessarily contradictory to the historical parameters of women's rights set forward by Tunisia's project of state feminism but rather complementary of this project. The very meaning of feminism in Tunisia has been redefined in the context of a democratic transition, and the mobilization around gender-based justice has played a key role in this (re)definition.

The debates about historical memory and the meaning of rights that resulted from the public testimonies of Tunisian women who suffered from the state's violence have encouraged a process of redefining women's rights in Tunisia in ways that go beyond the official national

[207] For examples of recent analyses that center on the debates around women's rights in post-revolutionary Tunisia and the gap between Islamist and secular understandings of those rights see: Monica Marks .2013. "Women's Rights Before and After the Revolution in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects,* ed. Nouri Gana. Edinburgh: Edinburgh University Press and Doris Gray. 2012. "Tunisia after the Uprising: Islamist and Secular Quests for Women's Rights" *Mediterranean Politics* 17:3, 285-302.

narrative and that introduce the roles of both organized women's rights groups, as well as ordinary women, in remaking women's rights in Tunisia. In addition, those debates show the extent to which national debates about women's rights in Tunisia are closely tied to broader understandings of what is 'Tunisian," and thus the debates are also closely intertwined with the construction of an identity for the new Tunisia. While it cannot be denied that for some, 'Tunisian" means moderate and modern, for others it means upholding more conservative Islamic values. For most of the women's rights activists working on the issue of combating violence against women and especially violence committed by the state and its security agents, strengthening women's rights is closely tied to ridding the country of its authoritarian legacy and combating impunity for state officials. Ironically, the process of transitional justice, one that was seen initially as politically divisive, had resulted in one important consequence: a renegotiation of the parameters and scope of women's rights in the new Tunisia and a reconciliation of seemingly opposite understandings of women's rights.

In summary, the ongoing process of transitional justice is yet far from achieving its goals of providing procedural justice to the thousands of survivors of state violence that have come forward to recount their suffering at the hands of the state security apparatus. Despite this, the process of transitional justice has led to several unexpected consequences. First, it created an institutional space for bottom-mobilization for many citizens who felt that their grievances are being ignored by their political representatives. Second, it allowed for a new form of subjectivity to emerge, that of women who identify as Muslim and conservative, yet they speak the language of gender empowerment as an act of resistance against the violence committed against them by the state as "women". Those new actors have introduced novel rights claims that mix t he revolutionary ideals of dignity with that of women's rights and specifically the violation of

women's bodies as acts of gender-based violence. The narratives of those women defy easy categorization. While most of them would be reluctant to label themselves as "feminists", since the term hold for them a historical association with the Tunisian state specific brand of *Laicite.*[208] Third, the public hearings of the TDC and these new narratives of women's rights created an important subversive effect: unsettling the official narratives on women's rights in Tunisia and challenging the historical parameters of state feminism in Tunisia. While the full effects of this process of negotiating the terms of women's rights in practice in Tunisia are yet to unfold, the symbolic and political power of those public personal testimonies on the official history of the Tunisian post-colonial state remains profound.

V. Conclusions: The Politics of Truth, Dignity, and Symbolic Resistance: Towards a Full History of Tunisian State Feminism:

In his comparative study of Truth Commissions around the world, Onur Bakiner writes about the unexpected consequences of Truth Commissions and the diverse processes of transitional justice that these bodies launched. In the introduction to his book Truth Commissions: Memory, Power, and Legitimacy, Bakiner writes:

> Truth commissions can be subversive. Politicians often lend them initial support in the hope of taming the societal pressure for justice and historical truth and imposing their vision of nation building. Yet, commissions that were set up in different countries following years of conflict have managed to surprise and upset powerful individuals and institutions many times. Even when they legitimize an incoming regime by laying bare the crimes of the previous one, their findings and conclusions may prove inconvenient for the new leaders, as the example of South Africa demonstrates. Of course, commissions are neither fully subversive nor entirely docile. Comparative analysis should account for the unintended and unforeseen consequences of a truth

[208] Like Turkey, Tunisia has experienced state-led imposition of "laicisim" which seeks to guarantee citizens state protection from religion, as opposed to Anglo-Saxon models of secularism, which seek to protect religion from the state. After the revolution, some Tunisian parties—including Ennahda and more center-left, soft secular parties like CPR and Ettakatol -began backtracking from the Laicist model. For further reading on the contrasts between laicism and Anglo- Saxon secularism with many parallels to the Tunisian context, see Semiha Topal, "Everybody Wants Secularism—But Which One? Contesting Definitions of Secularism in Contemporary Turkey," *International Journal of Politics, Culture, and Society* (2011): 1-14.

> commission process and explain why some commissions influence politics and society the way they do, whereas others do not (Bakiner 2015: 3-4).[209]

The above quote aptly describes the effects of the work of the Truth and Dignity Commission in Tunisia and its effects on subverting statist and nationalist narratives on women's rights. The public hearings and their effects on the debates on state feminism in Tunisia created several diverse effects. First, the state's institutional legacies of women's rights in a context like Tunisia, where the state and its security apparatus were direct perpetrators of gender-based violence, became sites of political contention. The public debates about the history of women's rights in Tunisia, as evidenced in the press statement by the Tunisian historians about the methods of proper historical inquiry, attest to the symbolic power of personal narratives when they become public. While the Truth and Dignity Commission has generated surprisingly little impact in terms of policy reform, court rulings, or prosecutions for state security agents or policemen who are involved in torture, the public acknowledgment of the human rights violations committed by the Tunisian state have inspired a major national debate on the limitations of realizing justice amid a successful democratic transition.

Second, even when the Truth and Dignity Commission has so far failed to generate noticeable policy impact, it managed to inspire civil society mobilization and activism around gender-justice in unanticipated ways. Through the construction of new narratives and practices of women's rights in Tunisia, the Commission triggered the creation of new women's rights associations and promoted public debates over social memory and what constitutes a national legacy of rights. In addition, through the public recognition of the violations that Tunisian

[209] Bakiner, Onur. 2015. *Truth Commissions: Memory, Power, and Legitimacy.* Philadelphia: University of Pennsylvania Press.

women of a certain generation suffered from under Circular 108 and because of their involvement in political activism, the very parameters of what constitutes women's rights in Tunisia have broadened to include the freedom from violations at the hands of the security state and a recognition of how those violations disrupt and negate Tunisia's historical project of state feminism. The narratives of the women who bravely testified before the commission challenged and transformed the very meanings of rights in the context of post-revolutionary Tunisia, in turn enabling the creation of a new space for reflection and the construction of new nationalist narratives of women's rights. Thus, the Truth and Dignity Commission, despite its failures, holds important transformative potential.

Third, while the commission cannot still initiate the full-blown process of justice that would include the possible prosecution of state agents that its original design intended, the symbolic consequences of the process of transitional justice in Tunisia have been profound. While tension continues to exist between the increase in the human agency created by the process of transitional justice in Tunisia and the vulnerability of this process to the needs and considerations of the democratic transition and its primary institution, the Truth and Dignity Commission, the symbolic effects of transitional justice have already begun to take effect. It is still not clear how the tension between the human empowerment unleashed by the process of transitional justice and its vulnerability to the deep state in Tunisia will be resolved; the broader outcomes of this process defy simplistic explanations of what truth commissions should or can achieve. While the future of Tunisia's democratic transition will surely have a substantial impact on the Commission's impact, its effects on social memory and the rewriting of history in Tunisia is already underway. Re-examining the state's historical project of state feminism under

Bourguiba and its effects on the lives of Tunisian women is one of the most significant consequences of this process of rewriting the social history of state violence in Tunisia.

Moreover, the process of transitional justice in Tunisia has so far not addressed adequately the gendered nature of the violations. This omission risks the reproduction of the same traditional gendered categories and the perpetuation of hegemonic understandings of the state's prerogative powers over it citizens through a culture of shame and silence. While gender justice became a central aspect of Tunisia's process of transitional justice, this importance has yet to be reflected in the rules and procedures governing transitional justice. Tunisia's democratic transition exposed the extent of the state's historical use of gender-based violence for political motives and in this regard, Tunisia looks like many of its neighboring countries; Tunisia remains a place where politically and socially motivated cultures of sexual abuse interact, influencing formal political processes and raising important questions about the limits of formal politics and processes of transitional justice in achieving gender justice. Moreover, the Tunisian state's widespread historical use of sexual violence against women for political reasons calls into question the entire Tunisian state's historical project of "state feminism."

On another note, the survivors' narratives of gender-based violence committed by the Tunisian state show that the outcomes of politicizing gender-based violence, in the aftermath of the Arab Spring, defy easy categorization. In this sense, the current gender-related struggles in Tunisia and their mixed outcomes suggest a closer look at the relationship between gender justice and democratization. The assumption that the two go hand in hand is challenged by the details of the Tunisian case. The country's two main political parties seem to be seeking reconciliation in the interest of national stability but seem less interested in justice. In addition, the rise of the Nidaa Touness party and its electoral victories mean that members of the old

regime's political and business elite have regained their influence in the new democratic system. Thus, for the new coalition government, the top priorities have become achieving economic prosperity and heightening security, not justice. Political calculations have so far been paramount in the decisions of both Nidaa Tounes and Ennahda when it comes to moving forward with transitional justice, derailing the start of a systematic court-based process of justice. Despite the political considerations that have delayed the process of transitional justice, the airing of public hearings and the personal narratives of survivors have had a profound effect that frustrated the narrow political calculations of the two principal political parties. The public hearings created a site of contestation for material and symbolic power over questions of truth, memory, and justice. By its very nature, this site generated a more pluralistic discourse and practice of feminist engagement itself, paving the way for the creation of new a historical memory that redefines the practical meaning and the development of women’s rights in Tunisia’s post-revolutionary future.

Engendering Tunisia’s process of transitional justice opens the opportunity for constructing new narratives of women's rights in Tunisia through a painful reexamination of the nation's history. While this process has had mixed results on women's formal and actual realities, some of the results have proven to be surprisingly empowering, especially if this process becomes the vehicle for further legal and political mobilization at the collective and individual levels for gender-justice, and especially if those new forms of mobilization manage to cut across traditional Islamic/Secular divides. For this to happen, the Truth and Dignity Commission will need to establish a strong popular support to counter the diminished political will to address past grievances, face the deep Tunisian state, and open new venues for gender justice in the country.

CHAPTER FIVE

DEFYING THE STATE: THE MOVEMENT AGAINST SEXUAL VIOLENCE IN EGYPT

I still don't know writing this, what the story of those (who volunteered in the movement against public gender violence) is about. Is it one of self-organization and ingenuity in the Egyptian revolution? Is it one of heroism- the very concept make me cringe- or, more simply, of defiant humanity? Is it one of an alternative form of resistance that gained more meaning and traction as the political process and protests grew ever murkier? Or is it a drop in the ocean in a confoundingly complex and troubled society?

-Wiam El Tamimi, Movement Activist.[210]

I. Introduction

In June 2013, a mixture of popular anger, excitement, and apprehension rippled through Cairo. Lines at gas stations snaked into major roadways as people rushed to fill their car tanks in anticipation of major gas shortages. As political polarization between Egypt's Islamic and secular camps intensified, public protests emerged again as a form of political action. But these massive demonstrations were not against the repressive state apparatus of the Supreme Council of the Armed Forces who controlled Egypt immediately after the fall of Mubarak. Rather, the protests were against the democratically elected president Mohamed Morsi and his Freedom and Justice party. The military stepped in, issuing an ultimatum for the president to contain the angry demonstrations against them, or else they will have to take measures that were not specified at the time.[211]

[210] The opening quote is taken from El Tamimi, Wiam. 2013. "To Willingly Enter the Circles, the Square". *Jaddaliyaa*, July 30, 2013 at: http://www.jadaliyya.com/Details/29207/To-Willingly-Enter-the-Circles,-the-Square

[211] For the full script of this statement of the Supreme Council of the Armed Forces (SCAF) issued a few days prior to the June 30th coup, see: https://www.theguardian.com/world/middle-east-live/2013/jul/01/egypt-stanoff-millions-protest

As the political tensions mounted and most Egyptians were occupied with what the near future would bring, groups of young women and men, most in their twenties or early thirties, met repeatedly to strategize about how to protect women protestors from sexual assault. Anticipating a large turnout of demonstrators that might rival the size of the immense crowds of January/February 2011, many of these young women and men were dreading rather than cheering the crowds. Having witnessed previous mass assaults on both women protesters and mere passerby during almost all of Egypt's major political protests since 2011, many of those volunteers began to identify sexual violence as their main cause, rather than participation in democratic popular street politics.

While sexual assaults on women were remarkably rare during the 18 days of protests that forced Egypt's long-term president Hosni Mubarak's to step down, attacks against women quickly became a regular feature of all large political gatherings soon afterwards. On the night that Mubarak fell, CBS correspondent Lara Logan endured a mass assault in Tahrir Square that required immediate hospitalization.[212] Less than a month later, women protestors were attacked by male demonstrators as they were trying to march in the area surrounding Tahrir square to commemorate International Women's Day on March 8, 2011.[213] Before long, attacks on women became a regular feature of protests beginning with the July 8, 2011 sit-in against the rule of the Supreme Council of the Armed Forces (SCAF). While some of the sexual attacks on women were clearly carried out by state security agents, the perpetrators were not that easy to identify in many of the incidents. For example, the "blue bra incident" of December 2011 became the iconic case of assault on Egyptian female protesters by the security forces when a woman protestor was

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[212] For more details on this incident, see: https://www.cbsnews.com/news/lara-logan-breaks-silence-on-cairo-assault/

[213] For more details on this event, see the introduction to chapter two of this manuscript. Also see: https://www.theguardian.com/world/2011/mar/08/rival-protesters-clash-women-tahrir

beaten, stripped of her clothes, and dragged in the streets of downtown Cairo by several army soldiers. The story made the cover of the New York Times.[214] Another round of assaults occurred starting from November 22, 2012, as huge protests were staged against former president Morsi's constitutional declaration claiming extraordinary executive power. At this particular incident, the severity of the sexual attacks was shocking, and several survivors spoke publicly about their horrifying ordeals.[215] The perpetrators were much more difficult to identify. As the severity of attacks and their numbers increased throughout 2013 and 2014, women's rights activists and the broader movement against gender-based violence admitted that many of the incidents were committed by male demonstrators.[216]

Assaults against women increased and intensified during the protests against Mohamed Morsi in June/July 2013[217], and even during the enormous gathering celebrating Abd El Fattah El Sissi's inauguration on June 8, 2014.[218] In fact, following the assaults of June 2014, and given the severity of the attacks despite the fact that the gathering was not actually a protest, the

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[214] For a coverage of this footage, see: https://www.npr.org/sections/pictureshow/2011/12/21/144098384/the-girl-in-the-blue-bra

[215] One well known example of a survivor of mass sexual violence who went public with her story at that time was Yasmine El Baramawy. El Baramawy participated in the protests in November 2012. She was severely attacked by tens of men, her pants cut with knives. At one point during the attack, her hair was pinned to the ground by the wheel of a car that had stopped next to her. She was then put on the front of a car and driven away, with armed men dissuading passersby from intervening by telling them that she had a bomb strapped to her stomach. Her ordeal finally ended when a woman in the street demanded to see the supposed bomb, after which armed bystanders freed her. For a detailed account of Yasmine's assault see: https://www.ynetnews.com/articles/0,7340,L-4403474,00.html

[216] For more details, see: Kingsly. Patrick. "80 sexual assaults in one day – the other story of Tahrir Square". The Guardian. July 5, 2013 at: https://www.theguardian.com/world/2013/jul/05/egypt-women-rape-sexual-assault-tahrir-square

[217] For more details on the sexual violence against women during the demonstrations preceding and following the June 30th coup in Egypt, see: Langhour, Vickie. 2013. "This is our Square: Fighting Sexual Assault at Cairo Protests" Middle East Research and Information Project (MERIP), Fall 2013.

[218] For more details on this incident, see: http://english.ahram.org.eg/NewsContent/1/64/103637/Egypt/Politics-/ElSisis-attention-to-sexual-harassment-needs-to-be.aspx

Egyptian police stepped in and the perpetrators were arrested for the first time, despite the fact that the gathering was not actually a protest. The arrests signaled an important shift in the state's policies towards public forms of gender-based violence.[219]

A public debate arose on whether those attacks were politically motivated to drive women out of the protest spaces, or the apex of a social phenomenon of gender-based violence in the public space that started years earlier. The debate revealed also a tension between the various roles of the state as a perpetrator of gender-based violence, enabler of broader forms of sexual violence committed by private citizens, and, at the same time, the main channel through which the women's rights movement in Egypt could demand policy and legal reforms.[220] The general debate on public forms of gender-based violence in Egypt and the role of the state in perpetuating it stretches back to 2005, when the first incidents of mass sexual assaults against women occurred during the celebrations of the Muslim Eid in 2005.[221]

While the debates highlighted the role of the state in committing gender-based violence, whether directly or indirectly through failing to act to protect women, little has been written about the specific ways in which state laws and narratives influenced both the rise of the phenomenon itself, as well as the methods of mobilizing against it. Public forms of gender-based violence became a pivotal cause of the women's rights movements years before the January 25th

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[219] Author's Interview with Marwa, women's rights activist, July 15, 2015.

[220] For examples of these debates, see: Tadros, Mariz. 2015."Understanding Politically Motivated Sexual Assault in Protest Spaces: Evidence from Egypt (March 2011 to June 2013)". Social and Legal Studies 1 (3): 1-18, Amar, Paul. 2013. *The Security Archipelago: Human Security States, Sexuality Politics, and the End of Neoliberalism.* Durham and London: Duke University Press, Abu-Lughod, Laila.2013. *Do Muslim Women Need Saving*? Cambridge: Harvard University Press.

[221] For more details on the history of public forms of gender-based violence in Egypt, see the next section of this chapter. Also, see: Abd El Hamid. Dalia, and Ahmed Zaki, Hind. 2014. "Women as Fair Game in the Public Sphere: A Critical Introduction for Understanding *Sexual Violence* and Methods of Resistance". *Jadaliyya,* July 9, 2014.

revolution of 2011, but the level of mobilization against gender-based violence reached an unprecedented level starting from 2012. Hundreds of volunteers, both young men and women, became involved in a movement that evolved into one of the central stories of the Egyptian revolution. Moreover, this episode of robust mobilization for women's rights created a rare opportunity of reinventing the politics of women's rights. It challenged hegemonic state projects and their institutional and discursive manifestations through the creation of new politically significant feminist subjectivities.

In this chapter, I argue that Egypt's aborted democratic transition, one that occurred amid a revolutionary change, created unexpected extra-institutional spaces that allowed a grass-root movement to reconfigure and reframe hegemonic state discourses to achieve feminist ends. The Egyptian state's historical legacies of weak state paternalism created a culture through which state-sanctioned and societal forms of sexual violence became intertwined and difficult to separate. The movement's discourse on the inseparable nature of the state's violence and societal violence against women enabled the movement to advance radical claims that fit into broader political struggles against hegemonic state authority. In a rather unexpected turn of events, the movement against gender-based violence challenged the state's hegemonic discourses and held state agents accountable for committing violations within a much more repressive political context than the Tunisian one. The results from the post- revolutionary mobilization around gender-based violence in Egypt demonstrate the contradictory and unexpected consequences of historical statist projects.

The rest of the chapter proceeds as follows: Section II traces the recent history of the rise of public forms of gender-based violence in Egypt and analyzes the debates on the origins of it. Section III traces the topography of the robust movement against gender-based violence in post-

revolutionary Egypt and how the movement conceptualized a new type of relationship with both state-sanctioned violence, as well as societal everyday forms of gender-based violence. Section IV analyzes the consequences of this mobilization and its outcomes on three levels: (a) the state's response to the movement in terms of legal and policy reforms, and (b) the repression of the movement itself by the state just as its campaigns against public forms of gender-based violence began to achieve positive results in terms of both legal reform, and c) a serious public debate on these issues in the mainstream media. A concluding section (V) analyzes the long-term consequences of the movement against gender-violence and its subsequent repression.

II. Public Forms of Gender-Based Violence in Egypt: Social and Political Fissures

Like its Tunisian counterpart, the Egyptian state has a long history of deploying sexual assault against women and men to repress and punish political dissidents. But Egypt differs from the Tunisian model of state feminism where women enjoy formal rights in both the public and private spheres, but remain vulnerable when it comes to violations committed by the state apparatus and its agents. The Egyptian state's response to gender-based violence, whether committed by state agents or private citizens in both the public and private spheres, has been almost non-existent. In fact, several analysts point to the complex relationship between political and social patterns of gender-based violence in Egypt, and the difficulty of completely distinguishing between them (Abd El Hamid and Ahmed Zaki 2014; Ammar 2013). Several intertwining contextual factors sustained a culture of silence and impunity in relation to sexual assault, irrespective of their motivation. The predominant factors that contribute to this culture of silence are: 1) deeply entrenched social traditions associated with honor which is embodied in the sexual purity of women; 2)the legal framework that governs gender-based violence; and 3)

the political will and practices of the Egyptian state historically and its use of gender-based violence to deter and repress members of the opposition as well as to police and regulate the public sphere.

The use of gender-based violence to drive both women and men from places of protest can be traced back to the last decade of Mubarak's rule. In 2004 a broad grassroots coalition of different political forces, known as Egyptian Movement for Change, or *Kefaya*, meaning "enough" in Arabic, became active. In August of that year members of *Kefaya* signed a petition demanding fair and transparent democratic presidential elections with multiple candidates. The group's goal was to end the then-President Mubarak's 24-year rule and prevent his son, Gamal, from being nominated as the next president by the ruling party. On December 12, 2004, 300 Kefaya members demonstrated in front of the building of the Court of Cassation (the highest ordinary appellate court) in downtown Cairo. Security forces dispersed the protesters brutally. While such brutality was not new, what was new this time was the way plain-clothed members of the security forces sexually assaulted the female protesters right in the middle of the public space.[222] The events which came to be known as "Black Wednesday," marked a new use of sexual violence as a systematic tool of political repression by the Egyptian state. Prior to Black Wednesday, the state employed rape and sexual assault as weapons of political repression while victims were in state custody, whether in prison cells or other informal places of confinement. The events of that day marked the first time in which such assaults occurred in public.

The full significance of the sexual violation of female activists in public in the heart of Cairo was not fully understood at the time by either the then growing movement against

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[222] For more details on the events that came to be known as Black Wednesday, see: Slackman, Michael. 2005. "Assault on Women at Protests Stirs Anger, Not Fear, in Egypt". New York Times, June 10, 2005 at: http://www.nytimes.com/2005/06/10/world/africa/assault-on-women-at-protest-stirs-anger-not-fear-in-egypt.html?_r=1

Mubarak or by the women's rights movement. One year later on October 22, 2006, during the Muslim Eid Celebration, an occasion usually marked by people going out in large numbers, the first case of mass sexual violence occurred downtown when groups of young men attacked female pedestrians who happened to be out celebrating. At first, no one understood what occurred exactly and the state controlled media did not report the events. Several online bloggers who published pictures and details of the incident were accused by the state controlled media of fabricating stories and hurting the image of Egypt internationally by portraying Egyptian men as sexual predators.[223] Moreover, the Egyptian Ministry of Interior issued a public statement denying that the incident took place (Abd El Hamid and Ahmed Zaki 2014).

The 2006 Eid incident only marked the beginning of the phenomenon of mass sexual assaults in the public space in Egypt. In the next few years, incidents of mass sexual violence against women took place in several public venues, including downtown Cairo where crowds usually gather, football matches, and concerts (Abd El Hamid and Ahmed Zaki 2014). Such incidents of mass sexual violence in the public sphere occurred sporadically between 2005 and 2011, with almost minimal intervention from the state. In the words of Magida, a prominent human rights and women's rights activist, and one of the founders of El Nadim Center for Management and Rehabilitation of Victims of Violence, one of the leading human rights centers in Egypt:

> Starting from 2005, we began to witness a wave of incidents of mass sexual assaults on women in the public space in Egypt. Those incidents were seriously troubling since they were seemingly not politically motivated at all. The perpetrators were mostly young men. A simple reading of those incidents would see them as simply the result of sexual frustration related to the inability of young men in Egypt to marry and form families due to the high costs of marriage in Egypt. This explanation was the most popular one in the state controlled media that mainly defined the problem as a social one. Most of the perpetrators were portrayed as working class young Egyptian men with no prospects for the future, and thus, mass sexual assaults in public became a symbol

[223] For an online video of the first incident of mass sexual violence in Egypt published by bloggers, see: https://www.youtube.com/watch?v=OiHTBtU19nA

> and consequence of class conflict in urban centers in Egypt. While this explanation seemed convincing, it had one major problem: it completely neglected the role of the state in perpetuating gender violence in the public space in two major ways: (a) the systematic use of sexual assaults against female activists in anti-Mubarak in public starting from 2005, a major method of "normalizing "gender-based violence in public spaces; and (b) the lack of action on part of the state to protect women in the public spaces whether through arresting the perpetuators, or reforming the legal codes to make those crimes definable and thus punishable.[224]

The above quote perfectly explains the complex role of the state when it comes to public forms of gender-based violence in Egypt. The state's use of public assaults against women demonstrators during the last decade of Mubarak's thirty year rule represented a new turn in both the scope and normalization of the phenomenon. While it is difficult to directly and empirically trace the linkage between the use of public forms of gender-based violence by state security agents against female activists in Egypt and the broader growing phenomenon of street sexual harassment/assault since 2005, there is evidence that state-sanctioned gender-based violence and societal public forms of violence against women are linked. As the above quote elaborates, the state's use of sexual violence against women activists coincided with the lack of action to protect women against mass sexual assaults in the public spaces by first denying that the phenomenon is occurring in the first place and then by failing to investigate and prosecute perpetuators of those crimes.

The first successful attempt to prosecute a perpetrator of public sexual assaults was the case of Noha Roushdy in 2008. On 25 June 2008, a truck driver pulled over in the middle of one busy street in the Heliopolis suburb of Cairo and, in broad daylight, grabbed the breasts of a 27 year old filmmaker Noha Roushdy. Roushdy, who with the help of a few pedestrians managed with difficulty to drag the perpetrator to the nearest police station.[225] Despite the initial refusal of

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[224] Author's interview with Magida, leading human and women's rights activist and founder of El Nadim Center for Management and Rehabilitation of Victims of Violence, March 17, 2015, Cairo, Egypt.

[225] For more information on the case of Noha Roushdy, see: http://english.ahram.org.eg/NewsContent/5/32/2120/Arts--Culture/Film/--unveils-one-of-Egypts-taboos.aspx

the police to document the crime and allow Roushdy to file a report against her assailant, she persisted and managed to fight her way through the legal system until she was able to prosecute her attacker. In October 2008, the Court of First Instance ruled that Rousdhy's assailant should be punished with three years in prison, despite the lack of a legal code that defines sexual harassment/assaults within the Egyptian criminal code.[226] Roushdy's case was a groundbreaking turn in the history of public forms of gender-based violence in Egypt. Roushdy's brave act mobilized several women's rights NGO's and activists to use her case as a starting point of a campaign against the sexual assaults/ harassment of women in the public sphere in Egypt. According to another activist who had been working on public forms of violence against women in Egypt for over a decade:

> We were monitoring the rise and spread of sexual violence in public spaces in Egypt for over a decade now. One important factor behind the rapid increase and spread of this phenomenon had been the legal and social impunity that the perpetrators, whether state agents or ordinary citizens, enjoyed. Until the case of Noha Roushdy in 2008, there was not a single prosecution of one man accused of committing those crimes, despite repeated attempts by us to do so. Roushdy's incident was a landmark case since it allowed us to use the courts to mobilize against this widespread crime, and allowed us to hold the state accountable for their lack of action to combat this disturbing phenomenon.[227]

One major consequence of this landmark case was the use of legal mobilization by the women's rights movement to pressure the state into first recognizing public forms of sexual violence against women as a growing crime, then passing a new code criminalizing it and enforcing the code. To achieve these two goals, the women's rights movement employed two main tactics: (a) documenting this growing crime as it occurs on a daily basis, in an attempt to embarrass the

[226] Until 2014, the Egyptian criminal code did not include any articles that defined and/or punished sexual harassment/ assaults. In June 2014, the interim president Adly Mansour issued Law No. 50, 2014 to amend some articles in the penal code issued by Law No. 58 for the year 1937. For an analysis of the new legal amendments, see the next section of this chapter.

[227] Author's interview with Marwa, women's rights activist, July 15, 2015.

state's institutions into recognizing the widespread and consistent occurrence of sexual violence in the public spaces; and (b) legal mobilization through filing a number of individual cases through the courts in an attempt to create several binding precedents that could be helpful in initiating a later campaign to introduce a new law that would define and prosecute the different and various acts that constitutes public forms of gender-based violence. Those twin tactics were employed by the women's rights movement until the outbreak of revolution on January 25, 2011. While the first tactic yielded some important gains for the movement, the second tactic was less successful.

An important example of the first tactic was the establishment of HarassMap, an online initiative launched in late 2010 with a unique technological approach to combating the longstanding problem of daily street sexual harassment in Egypt. In 2011, the initiative went live with an interactive crowd mapping platform powered by Ushahidi, allowing users to report and map their experiences of sexual harassment.[228]

At that time prior to the revolution, when sexual harassment and sexual violence rose to national and international attention, HarassMap's co-founders were faced with an environment in which sexual harassment was still a relatively taboo subject. HarassMap's cofounders sought to provide members of the public, largely women, with a tool to anonymously report and discuss their personal stories and to build an evidence base of the problem. Additionally, HarassMap initially intended to use the crowd mapping tool to assist in their more urgent interest of conducting community outreach work in neighborhood streets. HarassMap's strategy was built on activating what they termed as the "bystander's approach," a form of street and community activism that engages bystanders in the effort to combat everyday public forms of gender-based

[228] For more details, see HarrassMap's website at: https://harassmap.org/en/

violence (Abd ElMonem 2015). HarassMap employs strategies that seek to both challenge and refashion long-held norms that make sexual harassment socially acceptable. This includes disrupting patriarchal (binary) gender norms and encouraging intra-community social responsibility. Through the negotiation of new norms and building a socially responsible public concerned with the welfare of community members and willing to speak up against sexual harassment, HarassMap aims to generate a critical mass that will eventually demand political and legal change from state institutions.[229]

One important principle on which the philosophy of the online platform was built was the implication that sexual violence was first and foremost, a social problem. Thus, HarassMap primarily focused on socially motivated sexual violence (everyday street harassment that commonly involves comments, ogling, and touching, among other acts), while not denying that politically motivated sexual violence (the type that largely occurs within the context of protest, involves groups of men harassing women, and is believed by many activists to be instigated and paid for by the state to drive women out of the public space) was also increasing rapidly. In the words of one of the founders of the online crowd mapping tool whom I interviewed in 2013:

> The reason why we chose to focus on mapping the scope and degree of violence against women in the public space in Egypt was a shared conviction among the group that only through a broad societal campaign could we begin to understand and combat this phenomenon. That does not mean that we did not understand that the state institutions, whether the law enforcement or law making institutions were not a huge part of the problem. In fact, we believed that only through creating a critical mass of citizens who were willing to take a stance, and not only intervene to help the women or girls who get attacked, but to also pressure the government into taking stricter measures against those who commit these crimes.[230]

[229] Abd ElMonem, Angie. 2015. "Reconsidering de-politicization: HarassMap's bystander approach and creating critical mass to combat sexual harassement in Egypt ». *Egypte/Monde Arabe* 3(13): 93-113

[230] Author's Interview with Ahlam, women's rights activist and founding member of HarrassMap, October 1, 2013.

Around the same period, several other feminist groups and activists began to draw links between socially motivated and politically motivated forms of gender-based violence. Several leading women's rights activists noticed and commented on the complex connections between the socially-motivated everyday forms of gender-based violence committed by private citizens, and the state-sanctioned forms of gender-based violence. In the words of Marwa, a leading women's rights activists and the founder of Nazra for Feminist Studies:

> In our view, it was critical even as early as 2008 to blur the distinction between socially motivated and politically motivated forms of violence. The goal here was to make it clear that the state was itself a transgressor of women's bodily integrity and that it was firmly implicated in gendering respectability and enabling a culture of victim blaming. In other words, one way of looking at the distinction between the two is to see them as mutually constitutive of each other: political motivated state-sanctioned violence sends signals to the society that every day sexual harassment against women on the streets is permissible, and that perpetrators will continue to enjoy impunity. In addition, women's participation in politics increases to a degree where it became difficult to distinguish between a female protestor, an activist, and a mere passerby. The distinction itself no longer made sense, neither analytically, nor strategically.[231]

The above quote offers a clear summary of the logic of the women's rights movement and later of the organized movement against gender-based violence when it comes to defining and explaining the phenomenon of public forms of gender-based violence in Egypt. Both this quote and the previous one taken together demonstrate how most of those who were active in combatting this phenomenon before the revolution conceptualized public forms of gender-based violence as the responsibility of both the state and of society. While emphasizing the role of Egyptian state in the spread of public forms of gender-based violence was not a vocal part of the discourse of the pre-2011 movement, it did not mean that those early activities remained unaware of such role.

[231] Author's Interview with Marwa, leading women's rights activist, April 3, 2016.

Two main factors prohibited the women's rights groups from framing their activism in terms that are explicitly against the state. The first was fear that attacking the state and its institutions would make it difficult for them to carry on their main activity, which was raising public awareness of public forms of sexual harassment/assaults. The second was their awareness that attacking the state too much would prevent them from developing policy and legal recommendations for the state to address the problem. To avoid such a confrontation, the organizations that worked on this issue at that time preferred to conduct research mapping the extent and scope of the phenomenon. One result of this research was the production of the first study on sexual harassment in Egypt released in 2008 by the Egyptian Center for Women's Rights (ECWR), which started the first anti-sexual harassment program in Egypt in late 2005 (Abd Elmonem 2015). The research showed that 83 percent of Egyptian and 98 percent of foreign women reported being sexually harassed in Egypt (Hassan et al. 2008: 16). This study called for expanding police enforcement in the streets and improving reporting procedures in police departments as an important way to combat sexual violence against Egyptian women (Hassan et al. 2008: 20).[232] In other words, activists stressed how the dynamics of Egypt's model of weak state paternalism created a culture of sexual violence in the public space, where perpetrators, whether men in uniform or ordinary citizens, committed those crimes in an atmosphere of legal and political impunity.

As this brief review showed, the inaction of the state agencies to the growing wave of violence against women in the public sphere sent clear signals to society as a whole. On the one hand, the state's inaction suggested that women's bodies were vulnerable in the public space,

[232] For more details on the findings of this early research, see: Hassan, Rasha, Nehad Aboul Qomsan, and Aliyaa Shoukry. 2008. "Clouds in Egypt's Sky: Sexual Harassment, From Verbal Harassment to Rape – A Sociological Study." *ECWR Report.* (Accessed on January 19, 2015) at: http://egypt.unfpa.org/Images/Publication/2010_03/6eeeb05a-3040-42d2-9e1c-2bd2e1ac8cac.pdf

since those crimes went unrecognized, uninvestigated, and subsequently, unpunished. This in turn, encouraged a public discourse of victim blaming, where it was suggested that women needed to be vigilant to protect themselves in the public spaces, and they need to avoid being caught in the wrong place at the wrong time (Ahmed Zaki and Abd El Hamid 2014). The continued lack of any form of state response towards the crimes of sexual violence in public created a culture of impunity where women were unsafe in public and that it was their own responsibility to protect themselves.

Critiques of the earlier pre-2011 activism against public forms of gender-based violence were directed at the efforts to shift concern from "the police and security state as the agent of sexual harassment and sexual torture to a national problematization of the libidinal perversion of working class boys, which inscribed the international neocolonial discourse of the Arab street or Islamist mob into the fabric of class politics and police enforcement" (Amar 2011: 314). Other lines of criticism focused on the broader problem of the NGO-ization of the movement itself, a fact that made them less radical and less likely to focus on the practices of state security and more focused on what some termed as the creation of "men with bad cultural attitudes" (Abu Lughod 2011: 14).

The above-mentioned critiques are problematic for two main reasons. First, the few women's rights NGOs that worked on this issue before 2011 differed strategically in their approaches to the problem. HarrasMap intentionally chose not to address the deeper gendered politics of state institutions and chose to focus instead on mainstreaming the societal fight against gender-based through utilizing the by-stander's approach and community involvement. Al-Nadeem Center for the Rehabilitation of Victims of Violence and Torture, in contrast, elected to approach the problem from two angles. Al-Nadeem Center offered services such as medical and

counseling services to victims of both state-sanctioned and domestic violence, and the Center set up systems to document-and monitor the increasing use of gender-based violence against female protestors and activists beginning in 2005.[233]

Secondly, a large number of male activists were involved in fighting against everyday public forms of gender-based violence in Egypt since many of these groups started their activity. he involvement of large numbers of men in those movement contradicts some of the above mentioned criticisms against the movement, merely that it defames Arab men. In fact, HarassMap's bystander's approach promoted and emphasized the responsibility of men in ending street assaults through active participation and intervention when a woman is attacked.[234] Thus, under close inspection, the criticism leveled at the movement for promoting negative cultural views of Arab men and siding with the state does not hold up.

In summary, after the beginning of the revolution in 2011, it became more possible to speak of the link between socially motivated and politically motivated forms of gender-based violence as widespread incidents of gender-based violence occurred during demonstrations. This new wave of attacks was unprecedented in its intensity. While the attacks against women demonstrators from 2011 forward shared some of the same patterns as earlier incidents of socially motivated forms of gender-based violence, the new attacks were much more aggressive and pervasive. As the following two sections of this chapter elaborate, the movement against gender-based violence found itself in direct confrontation with the state. The movement sought to confront a growing wave of gender-based violence and hold the state accountable for both its own crimes against women, and its failure to protect women from mass sexual violence in the

[233] Author's interview with Magida, leading human and women's rights activist and founder of El Nadim Center for Management and Rehabilitation of Victims of Violence, March 17, 2014, Cairo, Egypt.

[234] Author's interview with Hisham, head of media department at HarrassMap, January 18, 2015.

public sphere, following the 2011 upraising. This confrontation was a direct consequence of the politicization of the problem and of the movement's use of extra-institutional tools to mobilize against gender-based violence, mostly outside the official channels of the state.

III. The Movement Against Gender-based Violence: Contesting State and Societal Violence in Revolutionary Times:

The January 25 revolution was a turning point for activists combatting gender-based violence in Egypt and their discourse on both state-sanctioned violence and societal everyday forms of gender-based violence. Tens of thousands of Egyptians marched the streets of Cairo and other governorates on January 25, 2011, following a call for demonstration against Mubarak's regime. Men and women from different age groups and diverse social classes occupied Egypt's famous Tahrir square in the heart of downtown Cairo. Among my first personal empirical observations during the uprising, which has been confirmed by various scholars who were present in Egypt at the time, was the overwhelming presence of women in the squares from that day through all 18 days of protests that ended with Mubarak stepping down. More significantly for the purposes of this analysis, many first-hand accounts of those days remarked on the inclusion of women and their safety in the protests (Hafez 2012;; Al-Ali and Prat 2016; Al-Shlokamy 2012).

With Mubarak stepping down from power on February 11, 2011, the Supreme Council for Armed Forces (SCAF) assumed power, a gesture that was initially welcomed by the majority of the protestors as a transitory step until a civilian government could be elected. However, an opposition contested SCAF's monopolization of power and exposed human rights violations to which the ruling powers responded with more repression (Al-Ali and Prat 2016). During SCAF's

reign, there were several incidents of sexual assault on peaceful civilians. As previously mentioned, women were sexually assaulted in Tahrir Square by unknown parties as they attempted to hold a peaceful march to commemorate International Women's Day on March 8.[235] On March 9, 2011, military police arrested eighteen women and subjected some to virginity tests in a famous incident that was later condemned by Amnesty International as a form of torture. Ten months later the brutal "blue-bra" incident-described previously-occurred, and is one of many examples of the military's use of sexual assault and violence that demonstrates an escalation and increased viciousness of their actions.

Later, between 2011 and 2014, the number of instances of public sexual violence grew at a frighteningly rapid pace. Perhaps the most severe incidents of mass sexual violence were those that took place between November 2012 and January 2014, in which women protesters were sexually assaulted and in some cases raped by mobs of men around Tahrir square and its vicinity.[236] On the 30 June 2013, masses of Egyptians returned to the streets, within and outside the capital, calling for the removal of President Mohamed Morsi. Several days into the renewed demonstrations, one of the worst incidents of gender-based violence took place. More than 85 cases of sexual assault, including several cases of rape, were perpetrated by mobs in and around Tahrir Square between the 3rd and 7th of July. And then, as crowds gathered on the third anniversary of the revolution, January 25, 2014, a mob attacked women protesters in Tahrir. This horrific incident was captured by cameras filming the protest and aired live on television. The last string of sexual assaults on women occurred during celebrations of Egypt's presidential

[235] For more details about the virginity tests conducted on female protestors in March 2011, see: https://www.theguardian.com/world/2011/may/31/egypt-online-protest-virginity-tests, and for more details n

[236] For full details of the incidents of gang rape in Tahrir Square, see the full report on sexual violence between 2012-2014 compiled by Nazra For Feminist Studies on: http://nazra.org/en/2014/04/egypt-epidemic-sexual-violence-continues

inauguration in June 2014 — including a mass attack on a 19-year-old student who was stripped in Cairo's Tahrir Square. Seven men were arrested in connection with the assault and police were investigating 27 other complaints of sexual harassment against women during these rallies that were attended by tens of thousands of people celebrating Abdel-Fattah el-Sissi's inauguration.[237]

Starting in November 2012, various groups began to form with the goal of figuring out ways to deal with this unprecedented wave of gender-based violence. This new movement included three types of actors: (a) several already existing groups and NGO's such as HarrassMap, Nazra for Feminist Studies and El-Nadeem Center for Management & Rehabilitation of victims of violence;[238] (b) newly formed interventions teams, groups of young women and men volunteers who carried out rescue operations in Tahrir Square and its surrounding vicinity between 2012 and 2014 such as Tahrir Body Guards and Operation Anti Sexual Harassment (OpAntiSH)[239] ; and (c) youth-led initiatives that aimed to raise public awareness of this issue through engaging the public in the streets and holding events and media campaigns. Examples of this third group include initiatives like Basma (Imprint) and Shoft Tahroush (I saw Harassment). The third group's approach was closer to the philosophy and strategies of HarassMap, entailing citizens collectively engaging in public action.

The first type of actors, existing NGO's and online platforms like HarassMap, were among the first to react to the new wave of sexual assaults against women. As early as March

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[237] For more details on both incidents and arrests, see: http://www.huffingtonpost.com/2014/06/09/egypt-sexual-assaults-arrests_n_5472395.html

[238] For more details on each of these organizations, see the official websites at: Nazra For feminist Studies: http://nazra.org/en; HarrassMap: https://harassmap.org/en/ ; and El Nadeem Center at: https://www.alnadeem.org/en

[239] For more details on each of these groups, see the official websites at: Tahrir Body Guards at : www.cuipcairo.org/en/directory/tahrir-bodyguards ;Operation Anti Sexual Harassment (OpAntiSH) at: https://www.facebook.com/opantish/

2011, the team at Nazra For Feminist Studies started documenting various incidents of gender-based violence against women protestors. The team noted early on that there was no clear distinction between politically motivated and socially motivated attacks. While some of the attacks were clearly committed by state agents, whether the military or the police, many of the incidents in November 2012 and afterward, were committed by ordinary citizens. The dominant discourse on gender-based violence during the Egyptian revolution among the pro-revolutionary camp itself made clear distinctions between politically motivated and socially motivated gender-based violence. The pro-revolutionary camp took the position that security forces and para military groups were likely paid by either the Military or Islamists, or both, to sexually assault women.[240] Tadros (2016) summarized the logic and reasoning of the pro-revolutionary camp:

> The reasons why some forms of sexual assault are believed to be politically motivated is because: (i) they happen in squares and public spaces associated with protests; (ii) they take place in these spaces during times when protests and demonstrations are held; (iii) the assaulted are disproportionately activists, whether women or men (notwithstanding the assault on non-politically active citizens as well); (iv) sexual violence is used in conjunction with other forms of violence; (v) sexual violence is not enacted on a one-to-one basis but through a group of men, simultaneously assaulting the woman; and (vi) the sexual assault does not happen in a passing moment, but is sustained over a period of time. A counter argument would be that similar incidents of sexual assault also occur in crowded spaces such as at *moulids*, major football games and even concerts. While there are many similarities, there are differences as well. These differences lie in the disproportionate targeting of women activists and in the level of brutal violence used to incur harm on the victim (i.e. rape through sharp objects) and in the targeting of protest spaces in the same spots. (Tadros 2016).

In contrast to the dominant view held by both the wider pro-revolutionary camp and the mainstream media who explained the sexual violence as an orchestrated attempt to drive women away from the public sphere, feminist organizations provided an alternative narrative of the attacks. Instead, the latter saw the social and political fissures in public forms of gender-based violence in Egypt were more intricately intertwined. The feminist explanation was based on a

[240] For an example of this point of view, see: http://www.foxnews.com/world/2012/12/05/egypt-muslim-brotherhood-accused-paying-gangs-to-rape-women.html

complex understanding of the relationship between state-sanctioned violence and societal violence in Egypt. Such a nuanced view was exemplified in a report issued by Nazra in 2014 entitled "*Egypt: Keeping Women Out – Sexual Violence in the Public Sphere"*.[241] The report presents over 250 cases of sexual violence in the public space that took place between November 2012 and January 2014, in which women protesters were sexually assaulted and in some raped, by mobs of men. The report concludes: "Not a single perpetrator has been brought to justice for these crimes. This climate of social and cultural impunity towards these crimes contributes to their repetition and to social tolerance of violence against women. There are clear and present links between the everyday sexual harassment that had been on the rise in the streets over the past decade" (Nazra for Feminist Studies 2014: 92).

The view promoted by Nazra For Feminist Studies was quite unpopular, not just among the broader society and the state institutions, but also among most of the pro-democracy political forces and the wider revolutionary camp. Many expressed dismay over what they considered a defamation of the Egyptian revolution and Egyptian men in general. Others were worried about a possible collusion with the security state or the de-politicization of sexual harassment by Nazra given their refusal to pass the attacks as simply politically motivated without taking into consideration Egypt's pre-2011 history of gender-based violence. As the attacks against women increased in frequency and intensity, it became clear that what feminist groups in Egypt were engaged in was not a de-politicization of gender-based violence in Egypt, but rather a widening of what the term political means. The newly emerging movement against gender-based violence formulated a discursive and political framing of the problem that problematized the distinction between the spheres of influences of the state and society. As the movement began to grow and

[241] For the full report, see: http://nazra.org/sites/nazra/files/attachments/joint_report_sexual_violence_egypt_en.pdf

include larger groups of volunteers, both young men and women who were active in the Egyptian revolution and the various groups and organizations that were formed to contest military rule, its agenda broadened. The movement began to focus not only on state-sanctioned gender based violence and the politically motivated targeting of women, but also on developing a new type of community-focused activism. Such activism mainly targeted the Egyptian state's weak response to gender-based violence, an enduring feature of Egypt's model of weak state paternalism, as a principal contributing factor in the emergence of this phenomenon.

This new discourse and understanding of the societal/political nature of the mobilization against gender-based violence emerged among the first group of actors, comprised of feminist groups and organizations that existed before the 2011 revolution and who had been working for a while on the issue of public forms of gender-based violence. Influenced by the early activities of pre-2011 revolution feminist groups and organizations, direct intervention groups like OpAntiSH, formed and began operations soon after November 2012. At first these new groups were reluctant to point out the complex nature of the state's role in encouraging a culture of gender-based violence as a direct perpetrator, and as an enabler of non-political gender-based violence. In the words of one of the founding members of OpAntiSH:

> In the beginning, we mostly regarded our activism as simply enabling an environment in which women demonstrators could feel safe while participating in the revolution. Our decision to form OpAntiSH came as a direct reaction to an attack on one of our friends during the clashes with the police and military in November 2012. At first, the issue of gender-based violence to us was closely tied to the state security apparatus and the ways in which they were beating and harassing women in the streets to prevent them from participating in direct political action. After we started our field operations, volunteers began to realize that the problem goes well beyond the state. In large demonstrations, even celebratory gatherings where supporters of the coup gathered, women were still brutally attacked. In some cases, when women were attacked by plain-clothed security officers, or even military personnel, some ordinary citizens would join in the attacks. As our rescue operations in the square progressed through 2013 and during the demonstrations leading to the coup d'état and afterwards, we had to contend with the inseparable roles of the state and society in the escalation of gender-based violence. We also began to realize that the role of the state goes much deeper than the direct infliction of violence, and is mostly about the culture of impunity that surrounds crimes of gender-based violence.[242]

[242] Author's interview with Salma, founding member of OpAntiSH, November 27, 2014.

The above quote eloquently describes the ways in which the movement's discourse on its activism developed in the period following the 2011 revolution. The first group of activists who were involved in the pre-2011 mobilization, mainly feminist groups and NGO's, had developed, an alternative explanation of the phenomenon of public forms of sexual violence before January 2011. The other two groups, in contrast, mainly saw their work as an extension of the broader mobilization against military rule. As the three groups began to cooperate, and a broader movement coalition began to appear, a more nuanced view of the role of the state in perpetuating sexual violence and in encouraging a culture of impunity began to evolve among movement volunteers, including several young men. The involvement of young male volunteers in large numbers in the movement was a significant shift in the dynamics of the women's rights movement in Egypt.

This involvement was important for several reasons. One reason was the fact that all the different groups, organizations, and initiatives that comprised this movement were established and led by women. In addition, hundreds of young women participated in this movement in all capacities, including the intervention teams and rescue operation. For example, the leadership and majority of members of OpAntiSH were almost exclusively women.[243] This meant that most of those young men were volunteering under the leadership of women, a fact that forced many of those young men to reconsider their personal beliefs regarding gender roles both inside the movement and outside of it. In the words of one male volunteer whom I interviewed in late 2014:

> My participation in this movement changed who I am forever. It made me question so many of my previous assumptions on what being a man is. I was myself beaten and sexually assaulted as I attempted to rescue survivors. But what I endured as a man was nothing compared to what my female colleagues went through. Many of them were themselves sexually assaulted in Tahrir while they were helping in the teams. They nevertheless completely refused some views within the movement that suggested not to have women participate in rescue operations.The bravery of my

[243] Ibid.

> female colleagues changed forever the way I view gender differences and made me question the notion that women are the weaker sex. I was weaker than them in almost every way.[244]

While the gendered dynamics of the movement against gender-based violence and men's participation in it led some participants to a radical examination of gender roles both inside the movement and outside of it, the direct experience of dealing first hand with sexual violence deeply influenced movement activists' stance towards the state. As the movement continued to refine its understanding in the fall of 2012 of how the state as a whole, not just the security apparatus, was responsible for supporting and encouraging gender-based violence, the rate and severity of attacks grew through the summer of 2013. In the words of one leading women's rights activists:

> The main goal of this movement had been putting forward a grass-root feminist discourse that calls on both the state and broader society to recognize the extent of the problem of gender-based violence. When the attacks on women intensified and the rapes in Tahrir occurred, we were dismayed that everybody including all the political forces, secular and Islamic, as well as the state and its institutions ignored what happened and tried to downplay it. The Islamist ruling party then denied that they had anything to do with it and called on the secular political powers that organized most of the mass rallies to secure the square or deal with the consequences. The secular forces did not wish to investigate what happened properly since they feared that by doing so, they will taint the reputation of the square by painting demonstrators as harassers. Most importantly, we needed to develop a clear and firm discourse on the direct responsibility of the state whether as a violator of women, an enabler of gender-based violence through the absence of law enforcement, or as a provider of medical, legal, and counselling services to survivors of gender-based violence. We gradually found ourselves providing the basic services that the state was supposed to provide as a basic right to women. Protecting women in the public space is the responsibility of the state, not intervention teams, and providing basic medical and counselling services is also the state's responsibility, not that of a few women's rights organization, or even a mass movement. [245]

As more young volunteers joined, and the activism against gender-based violence continued to grow into a larger movement with hundreds of participants, more radical forms of activism began to appear, indirectly challenging the role of the state in enforcing public order. In addition

[244] Author's interview with Amgad, male voulnteer in OpAntiSH, November 8, 2014.

[245] Author's interview with Marwa, women's rights activist, July 15, 2015.

to the rescue operations and the services provided by volunteers and feminist groups respectively, the movement began to carry out extensive outreach campaigns where volunteers campaigned on the streets, targeting young men who harassed women. This strategy was adopted by the third group of actors, youths who focused on everyday sexual harassment/assaults in the public sphere. Initiatives like Basma (Imprint) and Shoft Tahroush (I saw Harassment) strategically engaged the general public and bystanders in an attempt to create a critical mass of citizens who would actively fight against public forms of gender-based violence. Movement members confronting men who assaulted women initiated new tactics. Rather than taking them to the police, volunteers would confront them and shame them into admitting that they were doing something wrong. In some cases, volunteers would lecture them on what they were doing wrong and explain who they were and what their mission was. As the founder of Basma explains:

> While other groups like OpAntiSH rescued women from severe forms of gender-based violence in places of protest like Tahrir Square and its surrounding areas, our group focused on community-based work. We approached young men who committed milder everyday forms of harassment on the street, and lectured them on the effects of their actions. Some of the men's reactions were surprising: they would apologize to the woman, or feel ashamed, or ask if they could join our teams. We felt that such a bottom- up approach was the only comprehensive way to deal with the problem. Unfortunately, the state soon deemed our approach to be too dangerous for "public safety" and prevented us from going on the streets. Our teams were soon completely banned from campaigning on the streets. This occurred even though we were not campaigning in places of protest, nor directly condemning state-sanctioned violence like other feminist groups.[246]

As is obvious from the above quote, the approach adopted by Basma and other groups was seen as by its own members as not overtly political, since their actions and discourse did not target the state's institutions per se. Yet the state regarded their unruly, potentially subversive actions as politically dangerous. Furthermore, since large numbers of male volunteers participated in these

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[246] Author's interview with Nahla, founder of Basma (Imprint) group, September 4, 2015.

groups and were involved in fighting against everyday public forms of gender-based violence in Egypt, an important internal debate ensued on whether the involvement of large numbers of male volunteers in the movement meant that it was mostly recreating the same logic of male protectionism that was part of the problem from the point of view of several feminist groups (Ahmed Zaki and Abd El Hamid 2014).

The protective attitude of some of the male volunteers became dominant in some of the groups,[247] mostly because of the complete absence of the state's role in protecting women at large in the public space. Ironically, the state saw the role of those groups as inherently politically dangerous, since their activism risked mobilizing the community against gender-based violence in ways that assume some of the policing and social control functions of the state. It was around that time that the state's policy towards the movement turned from mild tolerance to systematic targeting as the next section elaborates.

In summary, after the January 25 revolution, a large movement emerged against gender-based violence. The mobilization efforts of this movement, while varying in terms of both strategy and tactics from one group to another, allowed for a new form of radical feminist politics where it became possible to actively disrupt the imaginary distinction between socially motivated and politically motivated forms of gender-based violence. Moreover, the blurring of this distinction that came because of the widening of the scope of this movement and the revolutionary context in which it existed, created a situation whereby the movement succeeded in forcing both the state and society at large to recognize and respond to the problem of gender-

[247] An intense debate about the role of male volunteers occurred in all three types of groups that comprised the movement. While the roles of men and women were equal with women founding groups like OpAntiSH, other groups such as Tahrir Bodyguards and Basma, despite being founded by women, were mostly composed of male volunteers. Some critiques by several feminist activists in the movement centered on the overtly protective role of the male volunteers whether those participating in rescue operations in intervention teams during political mass gatherings, or those campaigning on the streets in community based initiatives.

based violence in Egypt. While some factions of this movement continued to see themselves as apolitical, and did not see their work as a direct challenge to state power, their activism evidenced a radical form of politics. It targeted not only sexual violence and gender relations in the public sphere in Egypt, but also broader questions of security and state responsibility. The nature and scope of this movement's activism challenged the mainstream everyday politics of women's rights in Egypt, at the boundaries between state and society. This challenge to Egypt's model of weak state paternalism at a time of political repression led to a direct confrontation between the movement and Egypt's military regime.

IV. The State's Response: Legal Reform and Movement Repression:

The growth in the participation and activism of young women (and men) against gender-based violence during the period between 2011 and 2014 was a direct result of the horrific rise in severe sexual assault toward women at that time. In addition to direct involvement in the movement, women's activism related to this type of violence began to influence gender dynamics in the wider culture. As the previous section detailed, several important shifts occurred as the issue of gender-based violence became highly politicized during the revolution. Because of the obvious targeting of female protesters by the Egyptian military and by private citizens, the broader issue of gender-based violence in Egypt became an important concern for those mobilizing against the military regime. Because of this particular and timely brand of politicization of the issue of gender-based violence, new forms of grassroots mobilization- including service provision on a large scale, documentation and dissemination of testimonies of survivors of gender-based violence, rescue operations/intervention teams, and grassroots community level interventions- emerged. These new repertories of radical feminist politics

challenged the patriarchal order embodied by the state and signaled the emergence of new brand of grassroots feminism inspired by revolutionary politics (Hafez 2012, Badran 2011). Because of the ways in which this new type of politics unsettled the state's monopoly over the public space and highlighted the state's responsibility for the rise of public forms of gender-based violence, the movement against gender-based violence was heavily targeted by the military regime in Egypt, even just as the state began to adopt some policy measures to protect women in the public spaces.

The confrontation between the state and the movement started soon after the June 30th coup d'état. As the worst tide of attacks occurred in and around Tahrir Square, between June 30th and the 7th of July 2013, the movement carried out several rescue operations, documented the attacks and publicized them widely, in spite of the silence of the mainstream media. Furthermore, they critiqued the state's lack of action and called upon the different state institutions to assume their responsibility towards the survivors. In a heated statement released by the movement as a whole on the day following the coup d'état on July 3 2013, the signatory groups, initiatives, and organizations harshly critiqued what they termed as "unprecedented low in the state's response to the rape of women" (Nazra For Feminist Studies 2013).[248] The statement constituted the strongest condemnation of the state's role as both a direct perpetuator of gender-based violence, and as an indirect instigator of violence through its lack of action. The state's response was to begin to make it difficult for the various groups and initiatives to mobilize in the streets. As one male volunteer in Tahrir Body Guards explained:

> After the June 30th coup, it became increasingly difficult for us to conduct any rescue operations in the square (Tahrir Square). On the period between July 5th and July 9th and as the worst wave of attacks was happening, our volunteers were often stopped by the police in the streets. Two of them was even taken into custody, and released. We had to eventually stop our operations. This was

[248] For the full text of the statement, see: http://nazra.org/2013/07/

> most unfortunate since the period between June 2013 and July 2014 saw the peak of those attacks.[249]

Soon afterwards, the movement faced another round of repression, this time ironically, in the aftermath of one of their most significant legal victories. A series of brutal sexual assaults on women occurred during celebrations of Egypt's presidential inauguration in June 2014 — including a mass attack on a 19-year-old student who was stripped in Cairo's Tahrir Square. Seven men were arrested in connection with the assault and police were investigating 27 other complaints of sexual violence as tens of thousands of people celebrated Abdel-Fattah el-Sissi's inauguration[250] The state acted for the first time, issuing Decree No. 50 to combat crimes of sexual harassment. Historically this was the first definition of sexual harassment ever included in the Egyptian Penal Code and it was accomplished by amending two existing articles to broaden the definition of what sexual harassment/assault entails.[251]

To show his personal concern, the newly elected President visited the survivor in the hospital. He declared on camera, in the highly televised and watched visit, that: "Our honor is

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[249] Author's interview with Khaled, volunteer at Tahrir Bodyguards, December 1, 2015.

[250] For more details on both the incidents and the arrests made see: http://www.huffingtonpost.com/2014/06/09/egypt-sexual-assaults-arrests_n_5472395.html

[251] The text of the two amended articles read as follows: **Article 306 (a) bis:** A term of imprisonment of no less than six months or a fine of no less than LE3,000 and no more than LE5,000, or both, shall be imposed on any person who interferes with another in a public, private, or populated place with sexual or indecent matters, suggestions, or insinuations, whether by gesture, word, or deed, by any means, including communication means, wireless or otherwise. The penalty shall be a term of imprisonment of no less than one year or a fine of no less than LE5,000 and no more than LE10,000, or both, if the offender repeats the act by pursuing and following the victim. In the event of a repeat offense, the minimum and maximum term of imprisonment and fine shall be doubled.
Article 306 (b): It shall be considered sexual harassment if the crime set forth in Article 306 (bis) (a) of this law is committed by the offender with intent to obtain from the victim some sexual favor. The offender shall be sentenced to a term of imprisonment of no less than one year or a fine of no less than LE10,000 and no more than LE20,000, or both. If the offender is one of the persons enumerated in paragraph 2 of Article 267 of this law, or has occupational, familial, or academic authority over the offender, or exerts any pressure as permitted by circumstances, or if the crime is committed by two or more persons or if at least one of them is carrying a weapon, the penalty shall be a term of imprisonment of no less than two years and no more than five years and a fine of no less than LE20,000 and no more than LE 50,000.

being assaulted in the streets. This is unacceptable and we can't allow one more incident like this to happen".[252] Soon afterwards, seven assailants were rapidly tried under the new law with charges of torture and attempted murder added. They were all condemned to life sentences. While the movement against gender-based violence welcomed both steps, it still expressed criticism of the state's policies as well as the court ruling in a joint statement released in stating that the "First Verdict in Cases of Mob-Sexual Assault and Gang Rape in Tahrir Square Is No End to the Story. The remaining 500 cases documented since 2012 are still awaiting justice" (Nazra For Feminist Studies 2014).[253]

Furthermore, the movement criticized the new law for failing to include a detailed and clear definition of what constitutes rape, sexual assaults, and sexual harassment, and the differences among them. Considering the severity of the crimes that occurred between 2012 and 2014, movement activists strongly believed that the new law would hardly achieve much, without clearly defining those crimes. In the words of a lawyer at Nazra for Feminist Studies:

> The new legal amendment increased the penalty for anyone who "approaches another person in a public, private, or familiar place with sexual or suggestive objects, suggestions, or insinuations, be it by allusion, word, or action in any way, including wired and wireless communication networks." The criminal is punishable by no less than one year and a fine of no less than ten thousand pounds and no more than twenty thousand pounds or by one of these two penalties. While this is a positive step since it is the very first time in which Egyptian law mentions the term 'sexual harassment, the problem with the law are numerous. First, there is still a serious problem with the definition of the crime itself. Not only are the terms sexual assault and sexual harassment extremely vague in the new law, the definition of rape itself in Egyptian law is highly problematic, since the law only considers an act of rape if there is complete vaginal penetration. If, however, the rape includes anal penetration or penetration with an item, the incident is considered sexual assault and not rape. This limited definition excludes most of the crimes committed from even being considered in the court. That practically means that if the survivor did overcome all the societal pressures to remain

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[252] For a detailed account of the president's visit, see: Kingsly, Patrick. 2014. "Doubts remain in Egypt despite Sisi's action against sexual harassment", The Guardian, June 14, 2014 at: https://www.theguardian.com/world/2014/jun/13/doubts-remain-in-egypt-despite-sisis-action-against-sexual-harassment

[253] For the full text of the joint statement by the movement against gender-based violence issued in response to the new verdict, see: http://yfa.awid.org/2014/06/egypt-statement-from-nazra-for-feminist-studies-about-mob-sexual-assaults/

> silent, and decided to report the crime, there is very little chance that the court will convict those crimes as the new law does a very poor job of defining them.[254]

In addition to criticizing the new law, some movement activist organized a protest on June 14, 2014 to declare its solidarity with the survivors and call upon the state to do more. One day before the actual protest, the state announced that the National Council for Women was added as an organizer, at which point, most of the groups and initiatives affiliated with the movement decided to withdraw from the protest, in reaction to what it regarded as "an attempt by the state to co-opt our movement and take advantage of the wave of anger against the sexual assault of women".[255]

On the other hand, several activists joined the protest individually, despite their respective organizations having announced an official boycott. For them, it was important not to abandon their cause and leave it in the hands of the state. One of the participants in the protest that I spoke to on that day said that she made a point of attending the protest, while holding a banner that stated- "we will not forget the role of the state in raping women and will not forgot the sexual assaults committed by the police." [256]

Movement activists strongly believed at that point that the state was attempting to co-opt their work, while, at the same time, downplaying the fact that the state's policies had historically contributed to perpetuating and encouraging a broader culture of violence against women. Beginning in 2014, the movement against gender-based violence desperately fought for its own survival as a movement. Movement activists wanted to avoid being co-opted by the state and feared that the state's involvement would not benefit women nor introduce real solutions to the

[254] Author's interview with Moustafa, lawyer at Nazra For Feminist Studies, October 20, 2015.

[255] Author's interview with Gamila, female voulnteer in OpAntiSH, June 14, 2015.

[256] Author's interview with Maha, female voulnteer in OpAntiSH, June 14, 2015.

epidemic of gender-based violence in Egypt. State surveillance of these volunteer groups significantly increased, and they were subject to constant security harassment. As a consequence, most of them stopped their activities. By early 2015, most of the youth-led initiatives active in the field of gender-based violence in Egypt had either frozen their activities or confined themselves to advocacy work and media campaigns.[257]

While the state's repressive campaigns succeeded in curtailing most of the activities of the movement, it did not silence its attack on the state's policies. Movement activists remained vocal about the state's role in directly committing acts of violence against women, and in its lack of a comprehensive plan to deal with the social, political, and cultural roots of the phenomenon. Feminist groups continued to call upon the state to recognize the scope and pervasiveness of the crime in the Egyptian society. Several months prior to the passing of the new law, Nazra for Feminist Studies called for the establishment of a Truth Commission (TC) focused on gender-based sexual violence "whose scope must cover all incidents that affected women in the different events between 2012 and 2014, with the goal of establishing a TC is to raise public awareness about past violations to avoid their re-occurrence" (Narza for Feminist Studies 2014).[258]The role of-the truth commission "was to uncover the truth about gender-based violence by creating a public forum where testimonies of male and female survivors alike could be heard in order to acknowledge and assess the trials and tribulations of these survivors and provide justice."[259]

It is remarkable here to note that the call for a Truth Commission focused on gender-based violence in Egypt by the feminist movement coincided with the unraveling of the gendered

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[257] Author's interview with Hala, founding Member of I saw Harassment, April 1, 2015.

[258] For the full statement of the call to establish a Truth Commission for crimes related to gender-based violence, see: http://nazra.org/en/2014/02/recommendations-june-30-fact-finding-committee

[259] Ibid

nature of the politics of state repression in the former regime of Ben Ali in Tunisia, as elaborated in the previous chapter. Taking a cue from the Tunisian experience with transitional justice, movement activists in Egypt recognized that combatting gender-based violence in Egypt would not go further without a deeper probing of the role of state-sanctioned politically motivated gender-based violence in enabling and encouraging socially motivated sexual violence against women. By holding the state accountable for the mass spread of public forms of gender-based violence, the movement developed a sustained and logical explanation and critique of the direct consequences of Egypt's model of weak state paternalism and its piecemeal approach to reforms of women's rights.

The movement's sustained efforts to highlight the complex relationship between politically motivated and socially motivated forms of gender-based violence eventually brought it into direct confrontation with the state. In addition to the repression of youth-led, volunteer-based initiatives like I Saw Harassment and OpAntiSH, the state escalated its attack on the movement by pressing charges against two prominent women's rights activists, Mozn Hassan, the founder and executive director of Nazra for Feminist Studies, and Azza Soliman the founder of the Center for Egyptian Women's Legal Aid.[260] The court ordered an asset freeze of both organizations and of the personal accounts of the two feminist activists. Hassan had been specifically active in the movement against gender-based violence, and the organization she founded, had been at the forefront of this movement. It not only provided direct services to survivors of gender-based violence, but also acted as hub for many of the volunteer-based initiatives and groups that were part of the movement. On March 27, 2016, Mozn Hassan appeared before an investigative judge who informed her lawyers that her interrogation was

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[260] For more details on both cases, see: http://nazra.org/en/2016/12/asset-freeze-azza-soliman-and-her-law-firm-and-postponement-mozn-hassan-and-nazra-feminist

postponed. On June 27, 2016, the Passport Administration at Cairo International Airport banned Hassan from traveling to Beirut for a conference and she was informed verbally that the travel ban had been issued by the Egyptian General Prosecutor. To this day, both Hassan and Soliman are banned from leaving the country and remain without trial. The state's accusations against them also remain unclear.

V. Conclusion:

This chapter analyzed the post-revolutionary movement against gender-based violence in Egypt by placing it within the context of sexual violence in the public space as a social phenomenon in Egypt. In analyzing the development of this public debate since 2005, this chapter questioned the neat separation of state and society that often forms the basis of most analyses of public forms of sexual violence in Egypt. It argued that that combatting gender-based violence in post-revolutionary Egypt resulted in the development of an anti-state stance that affirmed the state's key role in promoting and maintaining a culture of impunity for perpetrators of gender-based violence.

As this chapter illustrated, the movement against public forms of gender-based violence developed a collective awareness of the dual nature of the problem of gender-based violence, and how it occurs on margins of both the state and society. Such an awareness influenced the ways members of this large movement defined themselves and their feminist activism. Since they envisioned the state as part of both the problem and the solution, they developed radical forms of feminist engagement that were inspired by the revolutionary wave in Egypt between 2011 and 2014. Rescue operations were carried out during the protests, as well as direct confrontation of sexual assault perpetrators, whether state agents or private citizens. A remarkable consequence of these actions was the increased radicalization of feminist politics in Egypt, leading to

confrontation between this grass-root movement and the state, even as the state adopted some of its demands including legal reforms related to gender-based violence. These two contradictory outcomes, repression of the movement at the same time that the state adopts some of its demands, challenged two sets of assumptions on the historical projects of state feminism in the Middle East and North Africa region and beyond. First, these outcomes challenged the notion that state feminist projects produce linear and consistent results that could be easily categorized into successes and failures. While Egypt's weak state paternalism did not enable women's rights advocates and the feminist movement to achieve formal gains, it opened new spaces for extra-institutional mobilization for women's rights. The results produced successes that were unexpected, given the repressive nature of Egypt's political system. Second, the contradictory outcomes demonstrated the constitutive effects of state feminist projects on the actors themselves, as movement actors chose to adopt an anti-state stance based on their framing of the problem of gender-based violence as the state's responsibility.

While public forms of gender-based violence became a pivotal cause of the women's rights movements years before the January 25th revolution of 2011, the level of mobilization against gender-based violence reached an unprecedented level starting from 2012. Hundreds of volunteers, both young men and women, became involved in a movement that evolved into one of the central stories of the Egyptian revolution. Moreover, this unprecedented episode of robust mobilization for women's rights created a rare opportunity of reinventing the politics of women's rights and challenging hegemonic state projects through the creation of new politically significant feminist subjectivities that undermined and transformed the original intentions behind hegemonic state discourses and policies.

Through providing a genealogy of the important milestones in terms of how sexual violence became normalized and tracing the rise of a culture of sexual violence on the boundaries of state and society in Egypt, this chapter situated the movement against gender-based violence and its confrontation with the state within the broader context of the failures and limitations of Egypt's historical model of weak state paternalism. While the state played the defining role in enabling the rise of public forms of gender-based violence, the lack of action and the accomplice role played by the state, also meant that the women's rights movement had no choice but to operate outside the formal institutional channels, a fact that slowly but surely led to a direct confrontation with the state. Given the history of weak state paternalism in Egypt, the movement against gender-based violence, fueled by the revolutionary context between 2011 and 2014, developed a distinct anti-state stance, one that intentionally blurred the distinction between state and societal responsibility when it came to gender-based violence. This radical stance against the state and the lack of dependency on it narratives reveals the complex ways in which movement actors reacted to hegemonic state projects, policies, or lack thereof, in ways that are both historically determined, but also context-specific that challenge linear explanations for movements success or failure.

Social movement theories have indicated that movement success is related to having specific and limited demands that can be translated into policy responses (Gamson 1975). There is not much in this literature that explains how to measure movements' successes and failures in instances where extensive repression of the movement occurs. Considering the size and consequences of the repression of the movement, one answer might be that the movement against gender-based violence in Egypt is an example of a repressed movement in a semi-failed state. However, a closer analysis of the dynamics and consequences of this movement reveals

that the movement had succeeded in putting the issue of gender-based violence on the agenda of both the state and society, even as the movement itself was being repressed and contained. Thus, the movement against gender-based violence in Egypt represents an example of Gamson's concept of "structural impacts"; measured as changes to the structural conditions in which movements act. Following such a measure, the movement against gender-based violence managed to produce long-term structural impacts by both shifting the debate on gender-based violence in Egypt and pressuring the state to both recognize the pervasive nature of this crime, and to introduce legal tools that could help deal with it.

In addition, an examination of the efforts of this movement to mobilize against public forms of gender-based violence reveals the complex ways in which hegemonic understandings of rights and legacies of state feminism shape how relevant actors including feminist activists understand the scope and goals of their mobilization. By developing an anti-state stance based on their awareness of the role of the state in the targeting of women in public, movement actors managed to successfully shift the terms of the public debate on the issue of gender-based violence in Egypt. They managed to achieve this through framing a public discourse on gender-based violence as a political problem, and not just a social or a cultural one. By holding the state responsible for the rise and increase of gender-based violence in the public sphere, the movement managed to challenge the state in surprisingly confrontational and even empowering ways that open new possibilities for social change in the future.

Furthermore, the analysis in this chapter shows how the consequences of the post-revolutionary mobilization around gender-based violence in Egypt produced contradictory and unexpected consequences for the Egyptian state's historical model of weak paternalism towards its female citizens. The above analysis of the dynamics and policy outcomes of this mobilization

to combat gender-based violence demonstrates that the results and outcomes of some episodes of rights-based mobilization are not most effectively measured in linear, direct ways. While Egypt's military regime effectively repressed the movement and targeted its members through banning their activism, closing their organizations and threatening their figures with imprisonment and travel bans, it did introduce limited legal reforms to deal with the growing and frightening wave of mass gender-based violence against women. While, ironically, such adoption of some of the demands of the movement by the state came exactly at the very moment when it began to systematically target movement activists, some of the movement's goals when it comes to breaking the state's and societal silence on public forms of gender-based violence in Egypt were met.

In similar ways to the grassroots mobilization against gender-based violence on the margins of the formal process of transitional justice in Tunisia, the movement against gender-based violence in revolutionary Egypt unsettled the state's official narrative on women's rights by exposing the weakness of the patriarchal bargain inherent in the Egyptians state's model of weak paternalism. Since 2011, the movement against public forms of gender-based violence managed to successfully politicize sexual violence and to challenge the demarcation between politically motivated and socially motivated divisions of gender-based violence. It exposed the ways in which the state is directly and indirectly, through direct action and through inaction, implicated in the rise of a culture of gender-based violence in Egypt since 2005. Concerns about the role of the state in perpetuating sexual violence and in how those incidents could be used were important factors that influenced the mobilization efforts. The case of the movement against gender-based violence in Egypt demonstrates that anti-state discourses, even in repressive contexts, at times of political instability, not only may serve to create new forms of

domination, but also lead to the consolidation of new discursive rights traditions that challenge mainstream statist public discourses on women's rights. One important way in which the movement against gender-based violence managed to do so was through an active engagement with the issue of women's safety in the public space. Such an engagement, while breaking a long-held taboo on the growing problem of sexual violence in the public space, managed to destabilize the Egyptian state's model of weak state paternalism. The challenge that such a new wave of "revolutionary feminism" presents to the older, deeply rooted gender discourses in Egypt was far from simple. While this challenge seems to be waning now, it had left its lasting marks on the mainstream debate on gender-based violence in Egypt.

Finally, comparatively speaking, while feminist activists in Tunisia drew from the normative and institutional power of the state's hegemonic law to legitimate their claims, movement activists in Egypt developed a radical anti-state stance. They managed to push forward anti-hegemonic discursive frames that challenge the limited mainstream understandings of women's rights in Egypt in general, and the rights of survivors of gender-based violence, in particular. A comparative analysis of the two movements against gender-based violence in the two countries demonstrates how the shadow of the state's repression influenced mobilization in different ways, while it did not prohibit the rise of meaningful contestations that challenged the state's hegemonic power. Tunisia's model of strong state feminism and Egypt model of weak state feminism introduced drastically different opportunity structures for the respective feminist movements in each case. These led to contradictory outcomes and effects that challenge some common scholarly assumptions about the long-term effects of historical state projects, the dynamics of movement-state relations, and feminist interventions with the state. I return to these points in details in the following concluding chapter.

CHAPTER SIX

CONCLUSIONS

The Intended and Unintended Consequences of State Feminist Projects:

In his widely- cited article “Society, Economy, and the State Effect”, Timothy Mitchell argues that “through the language of legal practice, the architecture of public buildings, the wearing of military uniforms, or the marking out and policing of frontiers”, states everywhere generate and are generated by structural effects that reinforce and reproduce their legitimacy and authority.”(Mitchell 1999: 81). Mitchell points out here the often-hidden symbolic effects of the state, effects that go beyond the mere material and discursive manifestations of state power. One important field in which the symbolic effects of the state could be better conceptualized and theorized is the field of gender politics.

This research project analyzed the impacts of institutional and discursive legacies of state feminism on the process of renegotiating women’s rights in Egypt and Tunisia. In the aftermath of the Arab spring, new spaces opened to feminist activists in both countries to redefine and renegotiate the very terms of the state’s women’s projects. My research looked at the various levels at which historical legal and political legacies of state feminism in each case defined the official parameters and limits of women’s rights in law and practice. Through a comparative study of historical projects of state feminism in Egypt and Tunisia, this study showed the ways in which post-colonial legal and political understandings of women’s rights influenced the political opportunity structures in which movements mobilized for women’s rights in the aftermath of the Arab spring rights. Moreover, it analyzed how the subjectivities of individual women activists were shaped by the institutionalization of laws, policies, and discourses that constitute distinct projects of state feminism that occurred differently in Egypt and Tunisia. Different dimensions of

state feminism affected women's abilities to mobilize in different ways, with contradictory consequences occurring both between cases as well as within each case. This finding poses a number of methodological and theoretical challenges to scholarly studies of the role of the state in setting the parameters of women's rights. I return to this theme in detail in the last section of this concluding chapter.

One important goal of this study was to problematize the contradictory effects of historical projects of state feminism in post-colonial contexts where the state and its laws often play complex roles when it comes to the politics of women's rights. In Tunisia, a strong historical project of state feminism produced contradictory effects on the ways in which women's rights movements and feminist activists mobilized for rights. The post-colonial project of state feminism in Tunisia was a model of strong state feminism that created an impressive set of formal legal rights for women, including a progressive personal status code, and a strong legal system backed by a capable state apparatus that enforced these rights among the population. Tunisia's strong state feminism created a historical paradox for the women's rights movement as it inhibited its ability to mobilize independently from the state for most of Tunisia's history. When an independent women's rights movement did emerge in the late 1980's, the movement could only resort to the state's institutional mechanism to push forward more rights for women, especially in the area of gender-based violence. The 2011 Jasmine revolution was a time when state institutions were in flux, ultimately moving from an authoritarian to a more democratic political environment. This period of instability created an opening whereby women's rights activists could mobilize and feminist activists were able to reinvent themselves as politicians in the new formal political arena.

In Chapter Three of this manuscript, I described how Tunisia's feminist actors mobilized amid the democratic transition and participated in the post-transition constitutional drafting process. They were instrumental in gaining constitutional guarantees for women's political representation, yet to many external observers, their influence was invisible. Political polarization, often seen as a barrier to building broad political coalitions for women's rights, served as a resource for the feminist campaign to push for a constitutional clause that guarantees electoral parity for women. This manuscript has investigated why this was possible, by analyzing how the legacies of Tunisia's state feminism enabled activists to make use of the symbolic resources generated by Tunisia's post-colonial state's institutional and discursive products. While Tunisia's pro-women's state feminism remains an exceptional political and historical project compared to elsewhere in the region, the detailed case study discussed in chapter three demonstrated the political utility of the constitutive dimensions of state laws and policies as a resource for campaigns for women's rights. The Tunisian case demonstrated the need to pay scholarly attention to this neglected understudied dimension of state policies since it often shapes the level, degree, type of feminist engagement with the state at critical political junctures. Understanding such constitutive dimensions of state laws and policies could significantly contribute to determining the gendered outcomes of democratic transitions.

On the other hand, Tunisia's historical project of state feminism inhibited the ability of that same movement to hold state agents accountable for gender-based violations. While the women's rights movement was able to make creative use of the rich historical legacies of state feminism to push forward new rights for women, it was also, ironically, unable to hold state agents accountable for their violations of women's rights. As chapter four showed, Tunisia's post-revolutionary process of transitional justice demonstrated that postcolonial state projects

rarely produce uniform effects that could be characterized as good or bad for women. On the contrary, the gendered politics of Tunisia's Truth and Dignity Commission revealed the darker side of Tunisia's women's friendly state, exposing the limitations of the historical project of state feminism in Tunisia and throwing into question the universality of the subject of this project's emancipatory goals: the Tunisian woman.

In Egypt, by contrast, a model of weak state paternalism where family law and women's rights were largely regraded as the purview of national exceptionalism was developed. Women's rights was conceptualized as the national sign of cultural exceptionalism. This model of weak paternalism produced its own set of contradictions. On the one hand, this particular model produced very few institutional mechanisms for governing women's rights, enabling a women's rights movement that dates back to the early twentieth century to develop independently of the state. But while the Egyptian feminist movement was able to develop alternative discourses on women's rights in light of the absence of strong official institutional manifestations of state feminism, they could do very little to affect the formal policies and laws that govern the everyday lives of women. Despite that, most of the limited reforms achieved in the fields of women's rights in Egypt resulted from pressure by women's rights activists, who often pushed for piecemeal changes in the patriarchal laws governing women's lives in both the public and private spheres.

In Egypt, this model of state-movement relations continued to be dominant after the January 25th revolution. Women's rights activists and feminist politicians could not gain access to formal politics and could not influence the constitutional drafting process in any meaningful way, despite repeated attempts to do so. With relative independence from the state, the women's rights movement in Egypt developed into an organized and successful movement against gender-

based violence that challenged the classical separation between state and society. As Chapter Five of this manuscript illustrated, this movement developed a distinct anti-state discourse that lies on the fault lines between state and society. According to the movement discourse, the state was held responsible for the rise of public forms of gender-based violence in Egypt, both as a direct perpetrator of violence against women, and as enabling the rise of the crime through non-action and encouraging a general cultural of impunity. The movement against gender-based violence in Egypt demonstrates that anti-state discourses during times of political instability, even in repressive contexts, may surprisingly, lead to the consolidation of new discursive rights traditions that challenge mainstream public discourses on women's rights. The two different models of state feminism described in the manuscript, the strong state feminism of Tunisia and the weak state paternalism of Egypt, as well as the contradictory effects produced in each case, have three important implications for scholarly debates on states and women's rights.

First, the historical trajectories of the two models of state feminism in Egypt and Tunisia show that the state's hegemonic projects often produce unintended consequences both on the institutional and discursive levels. On the institutional level, Tunisia's model of strong state feminism, while introducing a set of formal rights for women that remain unparalleled in the region, powerfully legitimized state institutions and logics of hegemony. Wendy Brown refers to this process as "institutionalized protection, which is always a measure of dependence and agreement to abide by the protector's rules" (Brown 1995: 94). I contend that institutionalized protection was the main operating logic of Tunisia's project of strong state feminism, creating a crippling dependency on the logics and language of state feminism. This dependency on the state of women at large, and of the women's rights movement specifically, created a situation whereby the state's narratives of women's rights became hegemonic and uncontested. One explanation for

the development of this strong state feminist project could be traced to the success of the postcolonial elite in making broad reforms in an attempt to modernize the state and legitimize their own control during the state-building phase.

Such a dependency on Tunisia's model of strong state feminism on part of the women's rights movement continued even after the fall of the Ben Ali regime. Furthermore, such dependency made the historical legacies of state feminism an integral aspect of all the major political processes after the Jasmine revolution, including the constitutional drafting process and ongoing process of transitional justice. While important institutional gains resulted, including a constitutional guarantee of electoral parity between men and women as expressed in article 15 of the post- revolutionary constitution, it also exposed the extent through which women's rights became a tool of state control and a path to political legitimacy. The public hearings of the Truth and Dignity Commission discussed in Chapter Four of this manuscript illustrate how the state's hegemony and its monopoly of women's rights enabled extensive human rights and women's rights violations, paradoxically, by the same state that continues to promote women's rights.

In contrast, the Egyptian model of weak state paternalism meant that the state historically could not be hegemonic and totally controlling of the discourse and practice of women's rights. This led to the rise of two contesting alternative discourses/models on women's rights in postcolonial Egypt. The first model, promoted by the Islamists, was based on an ideal of womanhood as ascribing to the tenets of Islamic Shari' a. While the dual logic of state feminism in Egypt rests on a public discourse that values women's participation in the public life, and a private discourse that stresses that the central role of women as mothers and wives, imaginings of ideal womanhood inspired by the Islamic revival in Egypt centers on a rejection of the logic of equality itself as westernized (Mahmoud 2005). While such attitudes toward gender equality date

back to the early writings of the Muslim Brotherhood leaders and ideologues, it was very much still alive and part of recent debates following the election of Mohamed Morsi as president in 2012, as illustrated in Chapter Three.

The second discourse/model is that of a more radical form of feminist politics that informed and inspired the more recent repertories of women's mobilization that had taken place in the past three years since the January 25th revolution. This included the movement against public forms of gender-based violence, discussed at length in chapter five of this manuscript. This new radical model of feminist politics was characterized by a full-on engagement with the issue of women's bodies in the public space. Such an engagement, while breaking a long-held taboo on sexual violence in the public space, managed to destabilize the iconic nationalist model womanhood, and its claims of on the public space, as discussed in detail in chapter two. The challenge that such a new wave of revolutionary radical feminist politics presents to the older, deeply rooted gender discourses in Egypt was far from simple. While this challenge seems to be waning now, it left its mark on public debates about women's rights in Egypt, despite its repression by the state.

The second implication of the two different models of state feminism, the strong state feminism of Tunisia and the weak state paternalism of Egypt, is the diverse constitutive effects of law. The four ethnographic sites in which women's rights mobilization occurred, as detailed in this manuscript, demonstrated the different levels through which law constructs subjects. It shows too how subjects struggle to deploy and even recast the state's laws and policies in new ways. In this constructivist approach, formal state laws and rules matter as much through their indirect, "radiating" effects on the consciousness, opportunities, possibilities, and strategic resources as through their enforceable commands (Galanter 1983). Throughout this manuscript,

these constitutive effects of state laws and policies were traced in the processes through which feminist activists negotiated their tactics. In Tunisia, feminist activists assumed new identities as politicians and managed to construct a shared common narrative around Tunisia's historical project of state feminism. This project enabled them to launch a successful campaign that increased the scope of women's rights, despite intense political polarization that threatened at time to halt Tunisia's process of democratic transition. Ironically, those same constitutive effects of state laws and their historical influences, allowed the movement against gender-based violence in Egypt, which operated in a much more repressive political environment, to develop a radical anti-state stance that led to important symbolic victories in reframing and defining public forms of gender-based violence as a public issue in Egypt. Furthermore, by holding the state accountable for the violations against women both as a direct perpetrator and an enabler, the movement against gender-based violence in Egypt challenged the place of state laws in protecting women, and showed that legal mobilization could occur in various ways that go beyond direct litigation or court action. While the movement mostly challenged the state and the legal system, one of the unintended consequences of the mobilization was the legal reform of 2014 that included the very first definition of sexual harassment in the Egyptian Penal Code, as detailed in Chapter Five.

Such an interplay between actors and institutions, this manuscript argues, represents an integral link to understanding how law impacts social and political struggles. Socio-legal scholars who deploy an interpretivist, process-oriented approach to studying law and social change have gone a long way towards disaggregating state institutions such as courts and legislatures and implementing bodies. They have disaggregated the processes through which those institutions often become themselves sites of struggles over meaning-making and

legitimacy. Still, most of those scholars continue to focus on micro-level interactions, whether on the level of individual litigation (Zemens 1983) or on the process of social movement building, their strategies, and the transformative effects of those strategies (McCann 1994). However, there is not enough emphasis in this literature on the ways in which micro-level struggles (whether initiated by individuals or by social movements or groups), connect to broader efforts for more open and inclusive political processes. Nor is their sufficient attention as to how these struggles transform official state institutions. This is particularly the case in authoritarian and semi-authoritarian contexts, where attempts to mobilize for rights are often part of larger contestations over political legitimacy and the limits of authority within the state. Such struggles in turn are also conflicts over the meaning of law itself and its role in the state. Is it a legitimizing power that seeks to reconfirm authoritarian patterns of state domination, or is it a tool that may offer more innovative and creative challenges to the state's authority?

This manuscript analyzed the above question in two contexts, both of which had state agents as perpetrators of mass gender-based violations. Chapters Four and Five analyzed the unexpected consequences of historical legacies of state feminism in two contexts where the state itself had been a systematic violator of women's rights for decades. The counter-intuitive findings of the last two empirical chapters challenge common assumptions about the effects of state projects and the very meaning of mobilizing for legal remedies from the state. In Tunisia, a grass-roots movement that sought to mobilize the law as part of a broader process of transitional justice failed to hold state agents who committed violence accountable. This failure exposed both the tenuous relation between democratization and gender-justice, as well as the difficulties of escaping the very logics of the model of Tunisia's strong state feminism.

Since this model of state feminism continued to exert a strong hegemonic influence on the post-revolutionary political and legal order, it became very difficult to prosecute agents of the state, despite the many legal reforms that the women's rights movement managed to achieve since the Jasmine revolution of 2011. Still, the narratives of the survivors in the public sessions of the Truth and Dignity Commission that were aired live in Tunisia profoundly challenged the very logics of Tunisia's historical project of state feminism. Through giving voice to new narratives on Tunisia's history, it enabled a subversive debate on the historical project of state feminism. Thus the Commission, despite its failures, holds important transformative potential for the politics of women's rights in Tunisia.

In Egypt, in contrast, the movement against gender-based violence employed extra-institutional tactics, mainly because the official state channels were not open to them. Because of this radical politicization of the issue of gender-based violence, as part of Egypt's broader revolutionary mobilization, the movement managed, rather unexpectedly, to challenge the Egyptian state' model of weak state paternalism, forcing the state to admit the problem and initiate limited legal reforms. Moreover, the movement managed to shift the debate around public forms of gender-based violence, emphasizing the role of the state in the rise of the phenomenon. Two opposite consequences arose as the result of this movement's radical politics: limited legal reforms proposed by the state and the targeting of the movement itself by Egypt military regime. Ironically, while Egypt's model of weak state paternalism historically inhibited any meaningful reform in the area of women's rights, it enabled the women's rights movements to make radical discursive claims and to redefine the meaning of women's rights in post-revolutionary Egypt. In Tunisia, on the contrary, reform could only be achieved through the state channels and had to follow the logics of the state's official model of state feminism. While

Tunisian women achieved important formal rights, they were still dependent upon the state's logics, channels, and legitimating power to achieve those gains. In Egypt, the movement against gender-based violence gained its very power through the radical stance it took against the state as part of wider context of dissent in Egypt between 2011 and 2014. The radical politics adopted by the movement were thus enabled by its independence from the state's logic of power.

In the two cases, the ways in which state laws and its logics of power both empowered and disempowered the movements against gender-based violence challenge scholarly assumptions that the postcolonial nation-state represents one homogenous entity that produces uniform consequences on its citizens, specifically its women. In Tunisia, a strong pro women's rights state became politically hegemonic up to the point where rights became a form of dependency and state agents were above the law. In Egypt, a weak state that violated women's rights on a regular basis, adopted some of the reforms that a radical revolutionary movement called for, while simultaneously repressing it.

The third implication of the differing models represented by Tunisia's strong state feminism and Egypt's weak state paternalism related to state-movement relations. The detailed narratives of feminist activists in this manuscript captured an important and under-theorized dimension of the relationship between women's rights movements and the state. On the one hand, hegemonic state laws restrict independent feminist mobilization through narrowing the political spaces available to them, and through providing narrowly conceived definitions of rights. Tunisia's version of state feminism did curtail the development of an independent women's rights movement for most of Tunisia's postcolonial history and repressed this movement when it did emerge. On the other hand, women's rights activists organized themselves by making broad appeals to formal state laws. Through a process of reframing the political and

legal legacies of the Personal Status Code of 1956 in the context of the struggle between Islamist and secular political forces, feminist activists redefined the constitutional significance of family law as a tool for political mobilization. They used the language of rights and renegotiated the hegemonic discursive and institutional boundaries of Tunisia's historical project of state feminism to reinvent women's rights at a time of political uncertainty.

The analysis in Chapter Three of this manuscript showed that ongoing, behind-the-scenes, and often unobservable interactions between different political groups shaped and constructed broader political processes in indirect, yet significant ways. These types of informal dynamics that have significantly shaped the political process in Tunisia have consistently failed to be recognized in most scholarly accounts that seek to explain the success of Tunisia's democratic transition. My analysis has also shown that scholars must take more seriously the ways in which the state's hegemonic discourses, symbols, and norms serve to construct complex legal and political subjectivities that defy easy categorization. These shape the outcomes of political processes in a variety of complex ways that are yet to be captured by linear explanations of transitions to democratic rule. In Egypt, on the contrary, women's rights activists could not draw on similar institutional or discursive legacies of state feminism that could help them in their struggle to constitutionalize women's rights. This was the case for two main reasons. First, the post-revolutionary political opportunity structure available to women's rights activists and female politicians in Egypt did not enable a serious attempt to reframe and reuse historical manifestations of women's rights. By 2012, female politicians and women's rights activists were not part of the elected constitutional assembly that was assigned with the task of drafting a new constitution. As a result, they had to contend with desperate back-door attempts to influence its content. Second, unlike Tunisian feminists, Egyptian feminists and women's rights activists had

no comparable historical legacies of state feminism to build on, mainly because of the ambiguous nature of Egypt's model of weak state paternalism. As detailed in Chapter Two of this manuscript, the often piecemeal and contradictory nature of many of the state's policies toward women and the lack of political will to improve women's rights, have inhibited the ability of women's rights activists in Egypt to mobilize for new formal rights in the context of the constitutional drafting process.

The dynamics of state-movement relations were almost reversed in the case of informal or grass-roots mobilization around women's rights. The grass-root movement aiming to hold state agents accountable for perpetuating gender-based violence in Tunisia failed to prosecute any of the perpetrators. In contrast, the movement against gender-based violence in Egypt mobilized hundreds. It managed to challenge the state into recognizing the problem and introducing limited legal reforms to combat public forms of gender-violence through the use of radical extra institutional tactics. The findings of this manuscript thus point to the non-linear relation between the degree of independence of the movement from the state and its success in initiating reforms. It further points to the analytical difference between reforms and radical shifts in the levels of rights consciousness, public debates on women's rights, and long term effects of episodes of mobilization. While this manuscript's approach had been to analyze each as distinctive formations, the type of social change resulting from top-down reform and bottom-up mobilization turned out to be quite different. One important direction for future research is to comparatively study the short- and long- term impacts of both approaches to social change in the field of women's rights. This manuscript represents only a starting point in this direction.

On the Making of Subjects: How States Shape Women's Identities

This study investigated the myriad ways in which the processes of post-colonial nation-state building and the subsequent historical projects of state feminism that these processes created have influenced the subject positions that women participating in the movements assumed at critical historical moments. The ways in which most of the actors interviewed for this research conceived the state was deeply tied to their feminist consciousness. Feminist consciousness, as a part of the broader terrain of rights consciousness, is influenced by hegemonic rights discourses that are constructed by formal state institutions, broadly defined, including formal legal texts, courts, and implementing agencies. As chronicled in this manuscript, the subjectivities of feminist actors influenced to a large extent the ways in which they defined their activism and their relation to the state. It also influenced the ways in which they chose which tactics to follow and why.

However, while subject formation is largely influenced by hegemonic state legacies, subjectivities are neither uniform nor fixed. Rather than theorize about feminist's engagements with the state exclusively in terms of dependency on/independence from the state, this manuscript argued that the symbols, meanings, and institutional manifestations of state gender-related laws and policies, as historical constructs in any given context, influence identity formation in neither linear nor uniform ways. In Tunisia, to many women's rights advocates and feminist politicians, the personal became, literally, political. They sought to safeguard what they believed to be the "historical gains of Tunisian women" (as detailed in Chapter Three) and to include in the political agenda for drafting a new constitution issues like equal political representation for women and gender-based violence. Elhem, the feminist lawyer turned parliamentarian, along with some other similarly situated women's rights advocates, played a

significant role in shaping the struggle over the scope and limits of women's rights in post-revolutionary Tunisia. In the wake of the popular uprising, women's rights activists, mostly self-identifying as secular, became locked in a heated battle with their Islamic rivals over the formal definition and scope of women's rights. This battle was, in many ways, a battle to redefine the identity of Tunisia itself.

The subjectivity of women's rights activists was closely tied to what they believed to be an emancipatory nationalist project of state feminism. As this nationalist project of state feminism came under fire as a result of Tunisia's nascent transitional justice project, new emerging subjectivities challenged some of the core tenets of Tunisia's strong state feminism project, including the fact that it represented all women from all walks of life. As one survivor recalled bitterly during her testimony, cited in Chapter Four, "Who is this Tunisian woman they keep talking about?," demonstrating a sense of personal alienation from state's laws and policies, including Circular 109 that prevented her from continuing her education. The public hearings of the Truth and Dignity Commission created an important site of contestation over questions of truth, memory, and justice, through the performance of different subjectivities who did not benefit from this pro- women state project. These new subjectivities defied the hegemonic state discourse, and paved the way for new type of feminist discourse in Tunisia, one that challenged the state's attempt to monopolize women's rights ideologically and discursively and opened new ways of "being" a Tunisian women.

In post 2011 Egypt, women's rights activist's changing identities put them in direct conflict with the state during the political transition. Their anti-state identities were based on their awareness of the role of the state in the targeting of women in public. Movement actors managed to successfully frame a discourse on gender-based violence as a political problem, not

just a social or a cultural one. They held the state responsible for the rise in incidents of gender-based violence in the public sphere by pointing both as a direct perpetrator and enabler of gender-based violence. The movement successfully managed to challenge a state that had been historically both weak and slow in carrying out basic reforms in the field of women's rights. As the experiences of Egyptian activists show, contesting gender domination within both state and community had far-reaching consequences that brought the feminist movement into a head-on confrontation with the state. A comparative examination of various efforts in both countries to mobilize for women's rights reveals the complex ways in which hegemonic understandings of rights and legacies of state feminism shape the subjectivities of relevant actors, including feminist activists, in sometimes surprisingly empowering ways that opened new possibilities for social change.

On the Gendered Nature of the State

One of the main debates in the scholarly literature on women and the state is concerned with the impact of state laws and policies on women. The debate centers on whether the state provides stronger support for the equality of sexes, or whether its polices and laws reinforce women's subordination and create additional forms of male dominance. Feminist theorists of the state are generally divided on this question into two camps on this question. The first camp argues that the state is structurally gendered, serving male interests and in the process oppressing women further. The second argues that the state, while not neutral entirely, could still be captured by progressive forces that would initiate reforms in the field of women's rights.

The findings of this study have two major implications for these scholarly debates on states and women's rights. First, the politics of women's rights in Tunisia partially validates feminist scholars who conceptualize the state as a project of male dominance (Peterson 1977;

Brown 1992; Young 2003). In many ways, the state in Tunisia is, in Brown's words, "replacing the man for many women, with its jurisprudential and legislative powers, its welfare apparatus, and even its police powers" (Brown 1992: 28). The postcolonial Tunisian state was historically both feminist and paternalistic at the same time, as women's rights were used as a key legitimizing tool of the Tunisian authoritarian regime and as testament of its ability to control the private lives of it citizens. On the other hand, the state's postcolonial pro- women's policies have affected the lives of generations of Tunisian women in positive ways, paving the ways for more reforms. An example is the recently issued comprehensive law against gender-based violence passed by the parliament in yearly 2017, which was initiated by the women's rights movement, as elaborated in Chapter Four. In contrast, the feminist skeptical camp argues that women gain nothing from the power shifts that occur within the state apparatus, since the state is inherently patriarchal (Gordon 1990). The paradoxical gendered effects of the Tunisian state demonstrate that the reality is much more complex as the state apparatus, its laws, and its policing powers, could have opposing effects on women's rights. In addition, the constitutive effects of the state on women goes beyond measuring polices to understanding how institutions shape subjectivities. Since subjectivities and their construction are often sites of contestation, as Butler (1995) reminds us, the material and constitutive effects of the state on women could change over time.

Second, these contradictory effects do not analytically diminish the importance of state institutions in the lives of women worldwide, especially in the third world. A growing number of studies of gender and politics in post-colonial settings argue that western feminist debates fail to consider different types of state formation and the types of patriarchal structures they create and enforce (Rai 2003; Manning 2006). Third world feminists stress the importance of the state as critically important in women's lives (Rai 2003; Olick 2003;Manning 2006). At once dependent

on the state, but also among the most significant groups to suffer from its developmental failures, women in the third world negotiate and bargain with the state's hegemonic projects through formal and informal channels. Since most of this bargaining happens through informal and indirect channels, hegemonic state discourses affect subject formation through the constitutive role played by the legal doctrines, institutions, processes, and ideals of gender justice. On the other hand, because of the often weak and unsettled nature of the state in many third world contexts, feminist activists also reshape and renegotiate those hegemonic processes. In so doing, they significantly influence the outcome of those historical projects in the present. The findings of this study strongly confirm that view of the state's effect on women. Whether in Egypt or in Tunisia, the women's rights movements that emerged in the course of the Arab spring contributed in the making of the politics of women rights in the post-revolutionary period. While the short- term effects of those efforts had not been always sometimes negative, the long- term effects of those gendered contestations remain promising for female empowerment.

Conclusion

Substantively, this study has attempted to illuminated the role of the past on the present. Its approach was to examine how historical processes of state feminism in two state contexts shaped and influenced subsequent episodes of mobilization in both states after each had experienced revolutionary upheaval. One of the contributions of this study is to demonstrate the ways history influences the development of institutions over time, even as abrupt revolutionary change seemed imminent and unavoidable. Methodologically, the structural undertones of this research were influenced by a historical institutionalist analysis. It focused on the complex processes of subject formation, especially the development (or not) of a common nationalist

narrative of state feminism. This manuscript argued that a focus on subject formation could enable a sharper theorization of critical junctures that allow movements to push forward new rights claims. In the course of conducting research for this manuscript, it became quite clear to me that historical legacies matter very much and matter in ways that differ from mainstream understandings of the concept of path dependency (Krasner 1989; Collier and Collier 1991; Pierson 2004). At a moment of abrupt political change and uncertainty, historical legacies of the state remained the main point of reference for many actors who attempted to make sense of their new reality. However, those legacies have been understood differently by different actors and were in turn subjectively reframed to create a democratization of a top-down model of state feminism in Tunisia, and a radicalization of feminist politics that subsequently led to repression in Egypt.

One contribution of this study was to explain the structural constraints that women's rights movements and activists faced as a result of the particular historical institutions, policies, and logics of power that were established by the post-colonial state elites. It is important however, not to over determine the implications of historical state legacies to the point of underestimating the agency of actors who chose to emphasize certain dimensions of statist projects over others. By employing a bottom-up approach to understanding why and how mobilization for women's rights occurred in the course of the Arab Spring, this study aimed to dislocate the state's power in a way that illustrates the role of non-state actors in reimagining and reinventing the state as they struggle to move forward in uncertain times.

A broader methodological issue follows from this study's findings. Most comparative studies are biased towards policies and institutions at the macro level, at the expense of micro level processes. This is somewhat understandable because micro level processes are often difficult to

capture. Such a methodological lens is ill-equipped for tracing the ways in which the state's material and discursive authority is transformed by different actors into something very different from what was initially intended by state elites. The unintended consequences of historical projects of state feminism in the two case studies illustrated the importance of shifting attention from elite understandings of a statist project to how relevant actors understand those state projects and shape them. In order to achieve this, innovative interdisciplinary research tools, including anthropological research such as that carried out in this study, can be fruitfully combined with macro historical approaches developed in the field of comparative politics to create more nuanced theories of state capacity and power, but also subversion and resistance to state's hegemony.

Finally, while this manuscript only analyzed the mobilization efforts of one group of actors, the women's rights movements in both countries, its findings have broader implications on understanding the events of the 2011 in the Arab world. Women's rights played an important, yet severely understudied, role in the transition period between 2011 and 2014 in both cases. In Tunisia, contestation over women's rights was an integral dimension of all major political processes. In Egypt, women's concerns were mostly absent from all formal political processes. The successes of the democratic transition in Tunisia and the active participation of women's rights activists in the constitutional drafting process, and the comparative failure of Egyptian transition point, to the links between democratization and gender justice. One important finding of this research was that the process of political democratization, though not unproblematic, creates new opportunities for women to redefine and mobilize around their own various interests. Egypt's democratic failure did not allow women's rights activists to mobilize through formal political channels, and this lack could be both a reason for and a result of the democratic failure. Whether as part of formal or informal politics, gender contestations represent an integral

component of democratic transitions that highlight the political relevance of women's rights. Depending on the content of existing gender ideologies and whether women's rights movements can creatively deploy them to push forward more rights, gender contestation could play a major role in determining the outcome of political transitions.

Appendix

List of Interviews

Date	*Pseudonym*	Affliation/Profession	Location/Country	Language
May 16, 2014	Ahmed	Judge	Downtown/ Tunis/Court/Tunisia	Arabic
March 12 2014	Mona	Member of Constitutant Assembly/Ennahda Party	Bardo/ Tunis Tunisian Parliament/ Tunisia	Arabic
March 12, 2014	Goumana	Member of Constitutant Assembly/Ennahda Part.	Bardo/ Tunis Tunisian Parliament/ Tunisia	Arabic
May 21, 2017	Mona	Member of Constitutant Assembly/Ennahda Party	Bardo/ Tunis Tunisian Parliament/ Tunisia	Arabic
January 12, 2014	Ibtiahal	Physician and Women's Rights Activist/ AFTD	Downtown/ Tunis/ AFTD Headquarters/Tunisia	Arabic
February 3, 2014	Salwa	Women's Rights Activist, Constitutional Law professor/ Founder of Al-Taher El Haddad Club	Downtown/ Tunis/ AFTD Headquarters/Tunisia	Arabic
April 1, 2014	Hala	Member of The Tunisian Association of Democratic Women (AFTD)	Downtown/ Tunis/ Intervieew's Home/Tunisia	Arabic
Septmeber 15, 2014	Basma	Member of the Association of Tunisian Women for Research and Development (AFTURD)	Downtown/ Tunis/ AFTURD Headquarters/Tunisia	Arabic
September 3, 2014	Salma	Member of the Association of Tunisian Women for Research and Development (AFTURD)	La Marsa, Tunis/ Intervieew's Home/Tunisia	Arabic
Januray 17, 2014	Elhem	Lawyer, Feminist Activist, and Member of the Tunisian Parliament	La Marsa, Tunis, Interviewee's law firm/Tunisa.	Arabic
May 3, 2017	Elhem	Lawyer, Feminist Activist, and Member	Gammart, Tunis, Intervieew's Home, Tunisia.	Arabic

		of the Tunisian Parliament		
January 23, 2014	Sehem	Member of the Tunisian Constituent Assembly	La Marsa, Tunis/ Intervieew's Home/Tunisia	Arabic
August 4, 2013	Yusra	Tunisian Feminist Activist and Candidate in the 2011 parliamentary Elections	Menzah 2, Tunis/ Intervieew's Home/Tunisia	Arabic
Novemebr 15, 2013	Gamila	Member of Tunisian Parliament, Ennahda Party	Bardo/ Tunis Tunisian Parliament/ Tunisia	Arabic
Januray 10, 2014	Houda	Tunisian Feminist and Founding Member of AFTD	Downtown/ Tunis/ AFTURD Headquarters/Tunisia	Arabic
February 24, 2014	Amira	Tunisian Feminist and Founding Member of a women's rights organization New Voices	Montplaisir, Tunis/ Interviewee's Home/ Tunisia	Arabic
March 12, 2014	Salwa	Tunisian Feminist and Member of the Tunisian Constituent Aseembly	Bardo/ Tunis Tunisian Parliament/ Tunisia	Arabic
March 27, 2014	Lamia	Head of the Sexual and Reproductive Health Unit, AFTD	Downtown/ Tunis/ AFTD Headquarters/Tunisia	Arabic
March 15, 2014	Kawther	Female Member of Parliament, Ennahda Party	Bardo/ Tunis Tunisian Parliament/ Tunisia	Arabic
August 12, 2013	Amina	Feminist Activist and University Professor	La Marsa/Tunis/ Café/Tunisia	Arabic
October 25, 2013	Fatima	Female Member of Parliament and Feminist Activist	Bardo/ Tunis Tunisian Parliament/ Tunisia	Arabic
March 15, 2014	Malika	Female Member of Parliament, Ennahda Party	Bardo/ Tunis/ Tunisian Parliament/ Tunisia	Arabic
August 13, 2012	Fadi	Male Protester/Father	DownTown Tunis/ Protest March/Tunisia	Arabic
July 16, 2015	Malak	Egypt Feminist Activist and University Professor	Heliopolis/Cairo/ Interviewee's Home/Egypt	Arabic

July 14, 2015	Soha	Women's Rights Activist and Member of the Women Constitution Writing Group (WCWG)	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
July 30, 2015	Amna	Women's Rights Activist and Professor of Islamic Shari'a at Cairo University	Mohendiseen, Cairo/ Women and Memory Forum Headquarters/Egypt	Arabic
August 2, 2015	Soha	Women's Rights Activist and Member of the Women Constitution Writing Group (WCWG)	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
July 15, 2015	Hoda	Member of the Committee of Fifty and Egyptian Feminist and Academic	Mohendiseen, Cairo/ Women and Memory Forum Headquarters/Egypt	Arabic
August 10, 2015	Hoda	Member of the Committee of Fifty and Egyptian Feminist and Academic	Mohendiseen, Cairo/ Women and Memory Forum Headquarters/Egypt	Arabic
September 7, 2013.	Lobna	Feminist Activist and Member of the Tunisian Constitutent Assembly	Bardo/ Tunis Tunisian Parliament/ Tunisia	Arabic
September 10, 2013	Karima	Feminist Activist and Member of the Tunisian Constitutent Assembly	Bardo/ Tunis Tunisian Parliament/ Tunisia	Arabic
January 14, 2014	Amira	Feminist activist and one of the founders of AFTD	Downtown/Tunis/ AFTD Headquarters/Tunisia	Arabic
April 4, 2014	Karim	Ennahda Political Cadre	Downtown/ Tunis/Café Grand Theatre/ Tunisia	Arabic
January 17, 2017	Ibtihal	Commissioner and Head of the Gender Unit at the Truth and Dignity Commission	Montplaisir/Tunis/ The Truth and Dignity Commission's Headquarters/Tunisia	Arabic
May 10, 2017	Ibtihal	Commissioner and Head of the Gender Unit at the Truth and Dignity Commission	Montplaisir/Tunis/ The Truth and Dignity Commission's Headquarters/Tunisia	Arabic
February 17, 2017	Fatma	Female Member of Ennahda Party	Montplaisir/Tunis/	Arabic

			The Truth and Dignity Commission's Headquarters/Tunisia	
April 25, 2017	Hiba	Adminstrative Court Judge	Downtown/Tunis/ Central Administrative Court/Tunisia	Arabic
January 23, 2017	Hala	Founding Member of Nisa'a Tounisiat	Montplaisir/Tunis/ The Truth and Dignity Commission's Headquarters/Tunisia	Arabic
February 3, 2017	Ola	Founding Member of Nisa'a Tounisiat group in Kasserine	Kasserine/Intervieew's Home/Tunisia	Arabic
March 19, 2017	Olfa	Feminist historian and professor at the University of Manouba	Menzah 6, Tunis, Intervieew's Home/Tunisia	Arabic
February 14, 2017	Siham	Female member of Ennahda and survivor of state violence	Montplaisir/Tunis/ The Truth and Dignity Commission's Headquarters/Tunisia	Arabic
March 7, 2017	Hind	Female survivor of state's violence	Montplaisir/Tunis/ The Truth and Dignity Commission's Headquarters/Tunisia	Arabic
May 4, 2017	Emna	Lawyer and Women's Rights Activist	Downtown, Tunis, Interviewee's Law Firm/Tunisia	Arabic
March 18, 2017	Amina	Lawyer and member of AFTD	Menzah 2, Tunis, Interviewee's Law Firm/Tunisia	Arabic
July 15, 2015	Marwa	Leading women's Rights Activist	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
March 14, 2015	Magida	Leading Human and Women's Rights Activists and Founder of El Nadim Center for Management and Rehabilitation of Victims of Violence	Downtown/Cairo/ El Nadim Center Headquarters/Egypt	Arabic
October 1, 2013	Ahlam	Women's Rights Activist and Founding Member of HarrassMap	Zamalek/Cairo/ Interviewee's Home/Egypt	Arabic
April 3, 2016	Marwa	Leading women's Rights Activist	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic

November 27, 2014	Salma	Founding member of OpAntiSH	Downtown/Cairo/Interviewee's Home/Egypt	Arabic
November 8, 2014	Amgad	Male Volunteer at OpAntiSH	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
September 4, 2015	Nahla	Founder of Basma (Imprint) group	Zamalek, Cairo/Café/Egypt	Arabic
December 1, 2015	Khaled	Volunteer at Tahrir Bodyguards	Downtown, Cairo/Café'/ Egypt	Arabic
December 6, 2015	Hisham	Volunteer at Tahrir Bodyguards	Downtown, Cairo/Café'/ Egypt	Arabic
October 20, 2015	Moustafa	Lawyer at Nazra For Feminist Studies	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
June 14, 2015	Gamila	Female Voulnteer in OpAntiSH	Downtown, Cairo/Café'/ Egypt	Arabic
June 14, 2015	Maha	Female Voulnteer in OpAntiSH	Downtown, Cairo/Café'/ Egypt	Arabic
April 1, 2015	Hala	Founding Member of I saw Harassment	Downtown, Cairo/Café'/ Egypt	Arabic
May 15, 2017	Nora	Women's Rights Activist/LGBTQ activist	Al Manar, Tunis/Cafe'/ Tunisia	French
November 9, 2014	Amgad	Male Volunteer at OpAntiSH	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
Januray 26, 2017	Ibtihal	Commissioner and Head of the Gender Unit at the Truth and Dignity Commission	Montplaisir/Tunis/ The Truth and Dignity Commission's Headquarters/Tunisia	Arabic
June 29, 2015	Azza	Leading Women's Rights Activist	Nasr City, Cairo/Intervieewee's Home	Arabic
8 March, 2015	Hoda	Member of the Committee of Fifty and Egyptian Feminist and Academic	Mohendiseen, Cairo/ Women and Memory Forum Headquarters/Egypt	Arabic
Februarary 15, 2017	Lama	Women's Rights Activists and Survivor of State Violence	Menzah 6/ Tunis/ Interviewwees Home/Tunisia	Arabic
May 5, 2017	Dalia	Feminist activist and member of AFTD	Menzah 1/ Tunis/ Interviewwees Home/Tunisia	Arabic
June 7, 2015	Maha	Female Volunteer at OpAntiSH	Zamalek, Cairo/Intervieewee's Home	Arabic

June 17, 2015	Doaa	Women's Rights Activist	Mohendiseen, Cairo/Intervieewee's Home/Egypt	Arabic
June 20, 2015	Gamila	Female Voulnteer in OpAntiSH	Downtown, Cairo/Café'/ Egypt	Arabic
May 17, 2017	Omaima	Women's Rights Activists and Psychiatrist	Cite Jardin/Tunis/ Interviewee's clinc/Tunisia	French
June 11, 2015	Salah	Male Volunteer at OpAntiSH	Downtown, Cairo/Café'/ Egypt	Arabic
September 2, 2012	Goumana	Member of Constitutant Assembly/Ennahda Party	Bardo/ Tunis/ Tunisian Parliament/ Tunisia	Arabic
September 10, 2012	Sarah	Women's Rights Activist	La Marsa/Tunis/Café/Tunisia	Arabic
September 11, 2012	Sohila	Female Member of Ennahda Party	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
July 17, 2013	Amgad	Male Volunteer of OpAntiSH	Downtown, Cairo/Café'/ Egypt	Arabic
Janurary 3, 2017	Ines	Women's Rights Activist and Interior Designer	La Marsa/Tunis/Café/Tunisia	French
January 11, 2017	Zienab	Female member of Ennahda and survivor of state violence	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
January 13, 2017	Zienab	Female member of Ennahda and survivor of state violence	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
June 18, 2015	Hamsa	Female Member of I saw Harassment	Downtown/Cairo/Café'/ Egypt	Arabic
June 18, 2015	Mohamed	Male Member of I saw Harasement	Downtown/ Cairo/Café'/ Egypt	Arabic
June 20, 2015	Salem	Male Member of I saw Harasement	Downtown/Cairo/Café'/ Egypt	Arabic
June 28, 2015	Nahla	Founder of Basma (Imprint) group	Zamalek/Cairo/Café/Egypt	Arabic
June 29, 2017	Dana	Female Member of Basma (Imprint) group	Downtown/Cairo/Café'/ Egypt	Arabic

July 1, 2015	Shaimaa	Female Member of Basma (Imprint) group	Zamalek/Cairo/Café/Egypt	Arabic
April 5, 2013	Zaki	Male Protester	DownTown, Cairo/Demonstration/ Egypt	Arabic
April 1, 2013	Yasser	Male Volunteer of OpAntiSH	DownTown, Cairo/Demonstration/ Egypt	Arabic
April 7, 2013	Wissam	Female Volunteer of OpAntiSH	Downtown/Cairo/Café'/ Egypt	Arabic
April 10, 2013	Yasmine	Female Member of Basma (Imprint) group	Zamalek/Cairo/Café/Egypt	Arabic
17 November, 2013	Lamis	Women's Rights Activist and Member of the Women Constitution Writing Group (WCWG)	Zamalek/Cairo/Café/Egypt	Arabic
1 December, 2013	Rana	Women's Rights Activist and Member of the Women Constitution Writing Group (WCWG)	Downtown/Cairo/Café'/ Egypt	Arabic
15 November, 2013	Ghada	Women's Rights Activist	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
16 November, 2013	Ghada	Women's Rights Activist	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
19 December, 2016	Sama	Female Member of Ennahda Party	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
21 December, 2016	Yara	Female Member of Ennahda Party	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
15 December, 2016	Adham	Male Member of Ennahda Party	La Marsa/Tunis/Café/Tunisia	Arabic
18 Januray, 2015	Feryal	Women's Rights Activist and Journalist	Downtown/Cairo/Café'/ Egypt	Arabic
29 January, 2015	Fadi	Male Volunteer of OpAntiSH	Downtown/ Cairo/Café/ Egypt	Arabic
31 January, 2015	Fadi	Male Volunteer of OpAntiSH	Downtown/ Cairo/Café/ Egypt	Arabic
27 January, 2015	Diana	Female Volunteer of OpAntiSH	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
24 Januray, 2015	Samah	Women's Rights Activist	Zamalek/ Cairo/Café/ Egypt	Arabic

19 September 2013	Nora	Women's Rights Activist and Theatre Director	Downtown/ Cairo/Café/ Egypt	Arabic
21 September, 2013	Maha	Women's Rights Actvist and Founder of Feminist Online Platform	Downtown/ Cairo/Café/ Egypt	Arabic
27 September, 2013	Omaima	Professor of Islamic Shari'aa	Mohendiseen, Cairo/Intervieewee's Home/Egypt	Arabic
26 August, 2014	Samir	Male Vounteer at Tahrir Bodyguards	Downtown/ Cairo/Café/ Egypt	Arabic
31 August, 2014	Laila	Women's Rights Actvist and Founder of Feminist Online Platform	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
23 May, 2013	Laila	Women's Rights Actvist and Founder of Feminist Online Platform	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
18 May, 2013	Lama	Professor of English Literature and Women's Rights Activist	Downtown/ Cairo/Café/ Egypt	Arabic
25 June, 2013	Ahmed	Jouranlist and Human Rights Activist	Garden City/Cairo/Café/Egypt	Arabic
17 March, 2015	Samia	Leading Human Rights Activists and Founder of El Nadim Center for Management and Rehabilitation of Victims of Violence	Downtown/Cairo/ El Nadim Center Headquarters/Egypt	Arabic
24 May, 2015	Magida	Leading Human and Women's Rights Activists and Founder of El Nadim Center for Management and Rehabilitation of Victims of Violence	Downtown/Cairo/ El Nadim Center Headquarters/Egypt	Arabic
18 April, 2017	Amel	Women's Rights Activist and Writer	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
20 April, 2017	Amel	Women's Rights Activist and Writer	Menzah 1/Tunis/Café/Tunisia	Arabic
2 March, 2014	Monia	Female Member of Ennahda Party	Menzah 1, Tunis, Nahada Headquarters/Tunisia	Arabic
May 21, 2014	Aisha	Female Member of Ennahda Party	Menzah 1, Tunis, Nahada Headquarters/Tunisia	Arabic

May 22, 2014	Aisha	Female Member of Ennahda Party	Menzah 1, Tunis, Nahada Headquarters/Tunisia	Arabic
May 25, 2015	Farah	Women's Rights Activist and Blogger	Garden City/Cairo/Café/Egypt	Arabic
May 28, 2015	Farah	Women's Rights Activist and Blogger	Garden City/Cairo/Café/Egypt	Arabic
June 1, 2015	Serene	Women's Rights Activist and Blogger	Garden City/Cairo/Café/Egypt	Arabic
October 17, 2015	Ghadeer	Female Voulnteer in OpAntiSH	Zamalek/Cairo/Café/Egypt	Arabic
October 23, 2015	Doha	Female Voulnteer in OpAntiSH	Zamalek/Cairo/Café/Egypt	Arabic
Novemer 30, 2015	Omar	Human Rights Activist and Researcher	Garden City/Cairo/Café/Egypt	Arabic
November 10, 2015	Haya	History Professor	Giza/Cairo University/ Egypt	Arabic
December 8, 2015	Karim	Male Vounteer at Tahrir Bodyguards	Garden City/Cairo/Café/Egypt	Arabic
7 July, 2014	Wael	Male Member of Ennahda Party	Menzah 1, Tunis, Nahada Headquarters/Tunisia	Arabic
May 19, 2017	Amira	Female member of Ennahda and survivor of state violence	Menzah 1, Tunis, Nahada Headquarters/Tunisia	Arabic
June 5, 2017	Fadwa	Female member of Ennahda and survivor of state violence	Menzah 1, Tunis, Nahada Headquarters/Tunisia	Arabic
April 26, 2017	Fahima	Female member of Ennahda and survivor of state violence	Menzah 1, Tunis, Nahada Headquarters/Tunisia	Arabic
April 11, 2017	Shadia	Female member of Ennahda and survivor of state violence	Menzah 1, Tunis, Nahada Headquarters/Tunisia	Arabic
April 13, 2017	Fadwa	Female member of Ennahda and survivor of state violence	Menzah 1, Tunis, Nahada Headquarters/Tunisia	Arabic
March 30, 2017	Sonia	Women's Rights Activist and Politican	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic

April 1, 2017	Sonia	Women’s Rights Activist and Politican	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
May 3, 2017	Kenza	Female member of Ennahda and survivor of state violence	Menzah 1, Tunis, Nahada Headquarters/Tunisia	Arabic
February 10, 2017	Howida	Female member of Ennahda and survivor of state violence	Bardo/ Tunis/ Tunisian Parliament/ Tunisia	Arabic
February 13, 2017	Saliha	Female member of Ennahda and survivor of state violence	Bardo/ Tunis/ Tunisian Parliament/ Tunisia	Arabic
March 23, 2013	Hadeer	Women’s Rights Activist and Doctor	Downtown/ Cairo/Café/ Egypt	Arabic
1 December, 2015	Magida	Leading Human and Women’s Rights Activists and Founder of El Nadim Center for Management and Rehabilitation of Victims of Violence	Downtown/Cairo/ El Nadim Center Headquarters/Egypt	Arabic
February 15, 2013	Caroline	Female Volunteer of OpAntiSH	Downtown/ Cairo/Café/ Egypt	Arabic
November17, 2016	Issa	Male Member of Ennahda Party	Menzah 1, Tunis, Nahada Headquarters/Tunisia	Arabic
October 31, 2016	Howida	Female member of Ennahda and survivor of state violence	Bardo/ Tunis/ Tunisian Parliament/ Tunisia	Arabic
November 3, 2016	Sanaa	Female Member of I saw Harassment	Downtown/ Cairo/Café/ Egypt	Arabic
November 11, 2016	Samia	Leading Human Rights Activists and Founder of El Nadim Center for Management and Rehabilitation of Victims of Violence	Downtown/Cairo/ El Nadim Center Headquarters/Egypt	Arabic
November 14, 2016	Halima	Women’s Rights Activist and Blogger	Downtown/ Cairo/Café/ Egypt	Arabic
December 2, 2016	Ghada	Women’s Rights Actvist and Founder of Feminist Online Platform	Downtown/ Cairo/Café/ Egypt	Arabic

December 24, 2016	Khalida	Women's Rights Activist and Blogger	La Marsa/Tunis/Café/Tunisia	Arabic
January 11, 2017	Jihan	Women's Rights Activist/ LGBTQ Activist	La Marsa/Tunis/Café/Tunisia	Arabic
January 23, 2017	Jasmine	Women's Rights Activist/ LGBTQ Activist	La Marsa/Tunis/Café/Tunisia	Arabic
February 3, 2017	Marawan	LGBTQ Activist	La Marsa/Tunis/Café/Tunisia	Arabic
May 18, 2017	Halim	LGBTQ Activist	La Marsa/Tunis/Café/Tunisia	Arabic
January 25, 2017	Hala	Founding Member of Nisa'a Tounisiat	Montplaisir/Tunis/ The Truth and Dignity Commission's Headquarters/Tunisia	Arabic
February 8, 2017	Israa	Founding Member of Nisa'a Tounisiat group in Kasserine	Kasserine/Intervieew's Home/Tunisia	Arabic
March 20, 2017	Olfa	Feminist historian and professor at the University of Manouba	Menzah 6, Tunis, Intervieew's Home/Tunisia	Arabic
February 15, 2017	Siham	Female member of Ennahda and survivor of state violence	Montplaisir/Tunis/ The Truth and Dignity Commission's Headquarters/Tunisia	Arabic
March 9, 2017	Hasiba	Female survivor of state's violence	Montplaisir/Tunis/ The Truth and Dignity Commission's Headquarters/Tunisia	Arabic
May 6, 2017	Emna	Lawyer and Women's Rights Activist	Downtown, Tunis, Interviewee's Law Firm/Tunisia	Arabic
March 20, 2017	Amina	Lawyer and member of AFTD	Menzah 2, Tunis, Interviewee's Law Firm/Tunisia	Arabic
April 15, 2015	Hossam	Human Rights Activist and Lawyer	Downtown/Cairo/Café'/ Egypt	Arabic
May 14, 2015	Omia	Human Rights Lawyer	Garden City/Cairo/Café/Egypt	Arabic
June 7, 2015	Hussien	Male Vounlteer at Basma (Imprint) Movement	Downtown/Cairo/Café'/ Egypt	Arabic
July 28, 2015	Farida	Women's Rights Activist and Novelist	Downtown/Cairo/Café'/ Egypt	Arabic

September 1, 2015	Laila	Women's Rights Activist and Director	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
September 10, 2015	Farid	Human Rights Activist and Lawyer	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
September 11, 2015	Dawood	Human Rights Activist and Lawyer	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
April 25, 2015	Kholoud	Women's Rights Activist and Doctor	Garden City/Cairo/Nazra For Feminist Studies Headquarters/Egypt	Arabic
April 27, 2015	Ayman	Male Director of HarrasMap	Downtown/Cairo/Café'/ Egypt	Arabic
May 12, 2014	Hamida	Judge	Montplaisir/Tunis/ The Truth and Dignity Commission's Headquarters/Tunisia	Arabic
May 30, 2014	Hamida	Judge	Montplaisir/Tunis/ The Truth and Dignity Commission's Headquarters/Tunisia	Arabic
November 11, 2014	Rabab	Female Vounlteer at Basma (Imprint) Movement	Garden City/Cairo/Café/Egypt	Arabic
November 19, 2014	Nayara	Women's Rights Activist and Founder of an Online Feminist Platform	Garden City/Cairo/Café/Egypt	Arabic
December 10, 2014	Nana	Women's Rights Activist and Doctor	Garden City/Cairo/Café/Egypt	Arabic
December 4, 2014	Mahitab	Female Vounlteer at Basma (Imprint) Movement	Garden City/Cairo/Café/Egypt	Arabic
January 27, 2015	Mayar	Female Vounlteer at Basma (Imprint) Movement	Downtown/Cairo/Café'/ Egypt	Arabic
January 18, 2015	Nayara	Women's Rights Activist and Founder of an Online Feminist Platform	Garden City/Cairo/Café/Egypt	Arabic
January 11, 2015	Mamdouh	Male Vounlteer at Basma (Imprint) Movement	Downtown/Cairo/Café'/ Egypt	Arabic

September 17, 2014	Mariam	Female Vounlteer at Basma (Imprint) Movement	Garden City/Cairo/Café/Egypt	Arabic
January 19, 2014	Mosa	Male Member of Ennhada Party	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
December 10, 2016	Sofian	Male Member of Ennhada Party	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
December 1, 2016	Sohail	Male Member of Ennhada Party	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
November 19, 2013	Karim	Male Volunteer of OpAntiSH	Downtown/Cairo/Café'/ Egypt	Arabic
November 17, 2013	Manar	Female Volunteer of OpAntiSH	Downtown/Cairo/Café'/ Egypt	Arabic
November 26, 2013	Fadwa	Women's Rights Activist and Journalist	Downtown/Cairo/Café'/ Egypt	Arabic
December 30, 2016	Mahy	*Gynecologist and Women's Rights Activist*	La Marsa/Tunis/Interviewee's Clinic/Tunisia	Arabic
February 1, 2014	Faiza	Women's Rights Activist and Doctor	La Marsa/Tunis/Café/Tunisia	Arabic
February 7, 2014	Kamal	Jouranlist and Politician	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
April 30, 2013	Siham	Women's Rights Activist and Politician	Heliopolis/Cairo/Interviewee's Home/Egypt	
June 11, 2015	Nadia	Women's Rights Activist and Politician	Zamalek/Cairo/Café/Egypt	Arabic
November 11, 2015	Niveen	Professor of Cairo University and Women's Rights Activist	Giza/ Cairo University/ Egypt	Arabic
November 17, 2015	Niveen	Professor of Cairo University and Women's Rights Activist	Giza/ Cairo University/ Egypt	Arabic
October 11, 2013	Sami	Male Vounteer of OpAntiSH	Zamalek/Cairo/Café/Egypt	Arabic
September 17, 2012	Hossam	Male Member of Ennahda Party	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
September 16, 2012	Hossam	Male Member of Ennahda Party	Downtown/Tunis/Café Grande Theatre/Tunisia	Arabic
March 1, 2015	Alaa	Women's Rights Activist and Founder of	Zamalek/Cairo/Café/Egypt	Arabic

		Online Feminist Platform		
May 28, 2015	Magdy	Male Vounteer of Tahrir BodyGuards	Downtown/Cairo/Café'/ Egypt	Arabic
May 17, 2015	Hany	Male Vounteer of Tahrir BodyGuards	Zamalek/Cairo/Café/Egypt	Arabic
February 18, 2014	Iman	University Professor and Women's Rights Activist	Lac 2/Tunis/ Interviewee's Home/ Tunisia	Arabic
September 19, 2012	Iman	University Professor and Women's Rights Activist	La Marsa/Tunis/Café/Tunisia	Arabic
May 4, 2017	Salwa	Women's Rights Activst and Writer	La Marsa/Tunis/ Interviewee's Home/Tunisia	Arabic
March 22, 2017	Mona	Member of Constitutant Assembly/Ennahda Party	Bardo/ Tunis/ Tunisian Parliament/ Tunisia	Arabic
March 21, 2017	Mona	Member of Constitutant Assembly/Ennahda Party	Bardo/ Tunis/ Tunisian Parliament/ Tunisia	Arabic
February 1, 2014	Hiam	Women's Rights Activist and Start-up *entrepreneur*	La Marsa/Tunis/ Interviewee's Home/Tunisia	English
July 17, 2014	Noha	Female Protester	Downtown/Tunis/Demonstration/ Tunisia	Arabic
June 17, 2014	Omar	Male Protester	Downtown/Tunis/Demonstration/ Tunisia	Arabic

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