THE IMPACT OF MODERNIZATION AND DEVELOPMENT ON MUSLIM WOMEN IN EGYPT: A LEGAL PERSPECTIVE

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THE IMPACT OF MODERNIZATION AND DEVELOPMENT ON MUSLIM WOMEN IN EGYPT: A LEGAL PERSPECTIVE

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CHAPTER I
INTRODUCTION

(A) Research Methodology/Purpose of Study:

This study examines the effectiveness of the modernization theory in Egypt, a developing Muslim society. As in the case of other developing societies, Egypt's modernization is uneven. Therefore, I will examine modernization as it relates to Muslim women in Egypt in as far as they vary in their exposure to the modernizing influences of advanced technology.

Egypt has experienced a variety of social, judicial, economic, demographic, and political modifications. These changes have greatly affected Muslim women in Egypt and their family life. Not all of the issues underlying modernization will be addressed in this research. Type of family structure and family modernization beliefs in Egypt will be central to the analysis. Four dimensions of individual modernization will be examined: beliefs about family obligations, beliefs about ideal family size, attitudes toward the economic role of women, and attitudes toward sources of security for women. These dimensions will be analyzed with certain individual background variables: age, education, income, sex, marital status, community type, family structure, time in labor force, and exposure to technology. My research will predict the influence Islam may or may not have on the process. Whether tradition, culture, or religious thought hampers or advances the development of women in Egypt. State policies and position will also be viewed in this regard.
Whether human societies are evolving toward a world community continues to be controversial among social scientists. Some argue for convergence around the segments of the modern economy, while others argue for divergence due to conflicting cultural and political settings. Modernization has been emerging in the West since the eighteenth century as a consequence of scientific and technological discoveries, as well as industrial and ideological revolutions. The assumption that the same patterns will emerge in developing societies is the core of what is called convergence theory.

Research on the application of modernization theory to the structure and belief system of the family in Muslim societies is sparse and limited, and the findings are sometimes contradictory. Thus, we need to test the theory that family systems in non-western societies are converging toward the western conjugal pattern under the impact of industrialization and urbanization. There is also a need to better understand the factors that influence Muslim behaviors and attitudes in the family. Studying modernization in Egyptian families may provide an opportunity for this understanding. Egypt, rich in beauty, culture, and tradition, is regarded as one of the most important countries in the Muslim world.

The status of women in the transitional societies of post-colonial Africa has increasingly become a major intellectual concern. The vast majority of post-independence African states have adopted into their constitutions the equality of the sexes as a general principle, while others have, moreover, considered the enforcement of this principle as a

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national objective and have subsequently made it a matter of state policy. In Egypt for example, addressing itself to the question of women, the 1962 National Covenant stated that women must enjoy equal rights with men and that the remaining shackles which hamper their free movement must be removed so that they play a constructive and profoundly important part in shaping the life of the country.\(^2\) The National Covenant thereby, not only affirmed the equality of the sexes before the law, but also stated its intent to mobilize women’s potential in the tasks of modernization and national development.\(^3\) This will be discussed a lot more further along my thesis.

Also, understandably, to some extent, the African woman has formally articulated very little of her concerns, fear, hopes and aspirations. Indeed, most research and opinion suggest that modernization has liberated the African Muslim woman and that the outcome of the process of change was broadly positive.\(^4\) However, for women (Arab) in general, the effects of Western political, economical, cultural, and judicial encroachments, what is ordinarily referred to as modernization, were said to be complicated, in certain respects decidedly negative.\(^5\)

My thesis examines the impact of modernization on Muslim women in Egypt. The primary purpose is to determine the extent to which political, economical, judicial, and social transformations have impacted the status of the Egyptian woman, amidst the din of conflict

\(^3\) Id.
\(^5\) See id. p. 43.
surrounding the place of the Egyptian woman in Muslim Africa. As I go along, I shall make recommendations of promising approaches to further improve women’s status in Egypt.

(C) Development in Africa: An Overview:

(i) **Description of the African World**

The African world “encompasses a rich mosaic of peoples, cultures, ecological settings and historical experiences.” Africa’s vast expanse of 11,677,240 square miles (30,244,050 square kilometers) stretches from the Mediterranean in the north to the meeting point of the Atlantic and Indian oceans in the south. With a population of about six hundred million people (roughly ten percent of the globe’s population), the people of Africa are as diverse as the terrain they inhabit. As Naomi Chazan and others put it,

The blacks and Arabs who live on the continent (together with small concentrations of Asians and Whites) speak more than 800 languages, belong to hundreds of ethnic groups, and over the years have embraced many animalistic belief systems as well as all the great religions. Although 70 percent of the continent’s people live in the rural areas and make their living as farmers and pastoralists, rapidly growing ancient and new cities are also sprinkled over the map of Africa.

Agriculture in Africa is sustained alongside hi-tech industries; the world’s greatest mineral reserves are to be found in regions of the most advertent poverty; universities thrive where illiteracy prevails. The political situation of Africa exposes the complexities that are the essence of the continent. That is to say, Africa’s fifty-one states are the product of conquest and separation, amalgamation and continuity.

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7 *Id.*
8 *Id.*
For instance, Egypt and Ethiopia are among the oldest political entities in Africa known to human history. However, most of Africa consists of new states carved out by the imperial powers.

Today, as of the 1990s, the African world is thus quite different from that at mid-century. The known trends of economic adversity, political unrest, judicial changes and external dependence have evoked a variety of responses and generated a great deal of experimentation. Due to that, it has been said that African politics have become “dehomogenized” in the process. In other words, African politics and policies have become less uniform. Also, it seems that there is not one but many Africas which common problems (instability and turmoil to name a few) should not obscure as a fact. The continuity of separate heritage, coupled with different experiences and patterns of change, has worked to differentiate African states from one another.

Indeed, it is clear that there is no consensus among analysts on how to probe the complex interconnections between politics and society in Africa. Old certainties on the relevance of legal, formal-institutional (legislatures, executives, parties, judiciaries), psychocultural, and purely historical frameworks have largely disappeared, seemingly inadequate and incomplete in their insight into the new hegemonic (monoliths, state-dominant) orders that gained ascendancy in most of Africa. As to the legal order in Africa, it is indicated that:

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9 Id.
10 Id. p. 13.
Administrative and military expansion and entrenchment in the 1960s and 1970s was part of the process of strengthening the power apparatus at the expense of broadly based political institutions. Judicial structures, in contrast, although developing at a steady pace, remained somewhat separate from the rapid growth that took place in the decision-enforcing spheres.13

Understandably, the legal systems of African countries at independence were generally constructed on two foundations, which evolved during the colonial period.14 The first was customary law, which varies from place to place. Long-standing rules developed by local communities regarding land tenure, marriage, divorce, and petty offenses were codified and continued to govern many aspects of life.15 In Muslim areas, the Shari’ah law (Islamic law) prevailed.16

(ii) Development in Africa

The concept of development is a very subjective one and different people have defined it in different ways. The very notion of development implies a notion of historical change derived from Western European secular and scientific thought.17 The parameters for development are what have been established by the experience of western developed nations. This notion of development has been criticized and questioned by most western and third world scholars. This stance is indeed echoed by Goulet18 as he reasoned:

That development, at its deepest level is not a matter of self-sustained growth of modernization of social systems, but primarily a crisis in norms and meanings. Indicators formulated in economic, political, educational and demographic terms are no doubt valuable. These include literacy rates,

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13 Chazan N. et.al. supra, note 6 p. 60.
14 Id.
15 Id.
16 Id.
population growth rates, the gini coefficient, inflation rates and life expectancy at birth. Nevertheless, they are but partial measures of a single comprehensive phenomenon diversely termed “poverty,” “traditionalism,” “backwardness,” or “underdevelopment.” Consequently, development can be properly assessed only in terms of the total human needs, values, and standards of the good life and the good society perceived by the very societies undergoing a change.  

It is therefore, that development implies economic, political, judicial and cultural transformations, which are not ends in themselves but indispensable means for enriching the quality of human life. In other terms, development must be judged good or bad in the light of normative values operative in the societies affected or possibly, of some more universal values.

Evolving from the above are three general goals of development namely, life, sustenance, esteem and freedom.  

1. Food, health and shelter are essential for human well-being. When they are sufficient for human needs, a state of development exist, otherwise a degree of underdevelopment prevails.  

2. As far as esteem is concerned, all people value respect. The feeling that one is treated as an individual who has worth, rather than as a tool for satisfaction of other individuals’ purposes is the basic source of human contentment.  

Evidently, recognition is closely associated with material prosperity. The African world seeks development in order to gain the esteem, which is denied to societies living in a state of disgraceful “underdevelopment.” This is a situation that has been imposed by the legacy of colonial imperialism and exploitation by the very societies that shun Africa.  

3. Finally,

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19 Id. p. 387-388.  
21 Id.  
22 Id.
as with goals of life-sustenance and esteem, one may use the kinds of freedom present in a society as a yardstick to evaluate development. As Anthony and Porter stated, “It is not useful to define development in terms of urbanization, commercialization, industrialization or in terms of the elusive concept, modernization. One should speak of development comprehensively and normatively.”

Around the time that most countries of Sub-Saharan Africa gained independence from colonial rule, the region lagged far behind the rest of the world on nearly every indicator of Western-Style development particularly in areas concerning education. Efforts since then, especially during the 1960s and 1970s, while unable to close the educational gap, have been very dramatic.

During this period, one can clearly see the determination demonstrated by African leaders and the sacrifices endured by African parents in their quest to provide a better standard of living for their children’s generation. “African leaders inherited educational systems that had effectively excluded the vast majority of Africans from schooling…” Therefore, one of the main aspirations of these African leaders was the campaign for improved access to education, the conviction being that education was imperative to the development of their countries. This emphasis on education had obvious

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23 Anthony de Souza & Philip Porter, supra, note 17 p. 3, supporting the view of Lebret, the late French development thinker, when he describes development as a coordinated series of changes, whether abrupt or gradual, from a phase of life perceived by a population and all its components as being less human, to a phase...perceived as more human.


25 Id.

26 Id.

27 Chazan N. et.al. supra, note 6 p. 237.

28 E.g. Kwame Nkrumah, president of Ghana (1957-1966), embarked on mass education for Ghanaians and thus established numerous primary and secondary schools.
relevance to development and to the government’s ability, in the term used by modernization theorists, to “penetrate” society.29

Eventually, massive investments in the educational sector paid dividends. Substantial achievements have been made in the period since independence. Literacy rates have more than doubled throughout the continent. In Tanzania for example, rural adult literacy rose from ten percent to sixty-five percent in the years 1961-1981.30

However, there exists a substantial gender gap in access to education, which continues to exist although the gap has closed significantly in the last two decades. Female literacy rates average fifty-six percent of male levels (compared to forty-two percent in 1970), but are substantially lower in some countries like the Sudan.31 The traditional prejudice against the education of females is gradually being overcome, although the gender gap remains wider at the secondary and tertiary levels. It is important to mention at this point that most African political movements at least, alluded to the importance of the education of their women. The gender gap in education takes on a particular economic and welfare significance as it is generally agreed that in Africa, a mother’s education is the single most important determinant of a family’s health and nutrition.32

The evidence that African leaders’ expectation for development after independence was not as forthcoming was obvious and easily gleaned from the present underdeveloped state of the continent. Organizational and structural changes to enable governments to

29 Anthony de Souza, supra, n. 17, p. 13.
30 Chazan N. et al. supra, note 6 p. 239.
31 Id.
32 Id. p. 240.
provide for the aspirations of their people a higher standard of living has not been met with success. Today, in western terms, Africa is the poorest continent in the world. The continent for example, exhibits the highest illiteracy rates in the entire world. In particular, the realization of the educational expectation has been marginal for two reasons. First, the educated cadre of the post-colonial era assumed the minds and mentality of their colonial masters and thus, emerged as dysfunctional tools. The legacy of the colonial system of education engendered a corrupt, elitist group whom, in their avaricious and whimsical actions, only served to perpetuate the cause of neo-colonialism. The result of this was slow paces of development and in the western sense again, underdevelopment. Second, the class system, which emerged in the post-colonial era, further reinforced an ambiance of definitive subjugation of the African woman. I will leave this point to further discussion in my specific discussion of women in Egypt.

(iii) African Women in Development

In different ways at different times, the women of Africa have led, and continue to lead, hard difficult lives. In barely a century, their situation has changed drastically, and ancient and modern ways mingle uniquely in each case. In Africa, being a female is a common factor. The African woman has no time for her self-development. This is because they have always worked more than men (which is not to say that men did nothing, a false

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33 *Id.*

34 *Id.* p. 241-242.

35 The woman may be a peasant or a city-dweller, intellectual or working class, overburdened and overworked mother, independent, single, or divorced, and all these are factors that play their role. Definitely, women in Africa than women in western societies experience these life circumstances differently.
idea that is widespread). They are so overburdened with tasks of all kinds that they hardly have time to bemoan their fate or even to wonder about it. Their image of themselves is rather cloudy.

Additionally, as to the role of the woman in the development of the Africana world, it is very crucial and can never be ignored. From the colonial era to the post colonial period to the present, women had been involved in national development despite the many obstacles they faced. In the struggle against colonialism and for independence, the African women have often joined the cause of their male compatriots ranging from tacit support to active fighting as in the case of the Kikuyu women in Kenya. Policies of the colonial era, which were deleterious to the roles of women, instigated women, to force a wedge in a sphere that had previously been denied to them. That is the arena of politics. The Mau Mau in the 1950s depended on thousands of women who obtained and smuggled information, goods and services. The activities of these women were not in a vacuum. They meant to articulate the feelings and needs of women in general. This legacy of the colonial era alone brought women issues in the forefront after independence. Then, in the late 1960s and early 1970s came the feminist revival, which brought with it a sharply different perspective to the analysis of African social structure, sex roles, the household, and public policy.

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36 Catherine Coquery-Vidovitch, *African Women: A Modern History* (translated by Beth Raps) 64 (1997), where she cites that a survey done in the Gambia revealed that, in the area, where agricultural work done by men was hardly negligible, women spent an average of 159 days per year in their fields, as against 103 days for men. Women worked 6.8 hours per day in the fields compared to 5.7 for men, but also devoted 4 extra hours daily to carrying wood and water, cooking, washing and caring for children.

37 *Id.* p. 195.

38 *Id.*

39 *Id.* p. 196.

revival of feminism was part of a broader attack on existing privilege and a search for equality. Feminists rallied against discriminatory attitudes and practices limiting women’s access to socially valued resources and status. They sought “liberation” from those legal and cultural aspects of marriage that left women economically dependent on their spouses and confined to an unrewarding domesticity. Clearly, women in Africa sought the fullest measure of self-determination. They sought to improve women’s status and women’s rights in Africa through the media, private voluntary organizations, and bilateral and multilateral aid organizations. For example, the United States Agency for International Development (USAID) is targeted by American feminist activists and scholars to assist those African women in such endeavors.

(iv) Development Expectations

In the middle of all the development strategies adopted by independent African nations, African women began to perceive their role in development and also their expectation of the outcomes of such development for women. Across Africa, women echoed the need for women’s suffrage and the need for economic independence. These expectations were met in varying degrees in different African nations depending on what political ideologies were adopted by their leaders. These women’s demands included the removal of the denomination imposed on them by colonial powers and also equal access to education with men. For example, during the 1920s and 1930s, members of the Egyptian Feminist

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41 Id.
42 Formed in 1973, largely in response to female activists.
43 Glickman, supra, note 40 p. 181.
Union (EFU) were active in urging the government to provide free public education for girls.\textsuperscript{44}

Despite some gains and successes that have been achieved in meeting some of the expectations of women, more still needs to be done. Chronic apathy to the needs of women has caused some African political movements to ignore the demands of women in general. Their men, who ignored them after the struggle for independence was over for instance, betrayed the Kikuyu women in East Africa. Structural reasons also contribute to the reason why women’s expectations were never met. The modernization or development policies adopted by post independent leaders refused to compromise the needs of women and tended to examine the environment as though the experiences of men and women from the colonial period were the same. However, women’s experiences of revolutionary movements are inherently different from that of men. Cora Ann Presley supports this notion, in her introductory note where she states, “I address the issue of women’s interaction with the colonial state by looking at whether colonialization affected women differently than it did men and produced different reaction.”\textsuperscript{45} In conclusion, she conceded a differential impact of colonial experience on men and women.\textsuperscript{46}

However, it is my inclination that the effects of colonialism on a given society will depend not only on the resources, interests, and institutions of the colonizer, but also on the kind of society upon which the external rule has been imposed. To cite an example, in

\textsuperscript{44} Beth Baron, The Women’s Awakening in Egypt: Culture, Society, and the Press 123-124 (1994).
\textsuperscript{46} Id.
Kenya, the colonial legislation deprived women of land, yet, it is women who did most agricultural labor for the overpopulated reserves they lived on and were often used as seasonal workers on the coffee plantations.\textsuperscript{47} It therefore, greatly discombobulates these women to be forced to perform communal labor and to pay taxes in accordance to the laws of 1910 and 1934. They felt they were being exploited. Then, it was not until 1947 and 1948 when they organized several plantation strikes and struggled against being forced to create antierosion terracing in their fields. This was called "the women’s war."\textsuperscript{48} Consequently, women’s revolutionary activism arises mostly out of their traditional roles as wives, mothers, and providers of food and services.\textsuperscript{49}

This same experience can be gleaned from Egyptian women’s participation in the struggle for independence. The women had been useful in time of crisis and danger when all reinforcements and defensive units were employed.\textsuperscript{50} During critical times and especially in the absence of the male nationalist leaders, women had had an important activist role to play.\textsuperscript{51} However, men conveniently forgot the promises, implicit and explicit, to the women in the course of their nationalist struggle to draw them into the life of the nation once independence was achieved.\textsuperscript{52}

In the case of Egypt, as a result of the failures to address the needs of women, they started to mobilize and to organize themselves into women’s movements.\textsuperscript{53} Egyptian women

\textsuperscript{47} See Chazan, supra, note 17 p. 196.
\textsuperscript{48} Id.
\textsuperscript{49} Carol R. Berkin, & Clara M. Lovett, Women, War, and Revolution 82 (1980).
\textsuperscript{50} See M. Badran, Huda Sharawi and the Liberation of the Egyptian Women (Dissertation) (1977).
\textsuperscript{52} See Badran, supra, note 50.
\textsuperscript{53} Ghada Hashem Talhami, supra, note 51.
definitely did not forget the promises during their struggle for independence. Rather, the women of Egypt felt that their participation in the national movement had given them certain claims on the nation and they very well intended to see these claims realized.\textsuperscript{54} Women concluded however, that men were not going to bring them into the full life of the nation. They had to assume the task themselves. In 1924, the Egyptian Feminist Union presented the Egyptian parliament with a set of demands for increased educational opportunities for women and girls. Additionally, the petition asked that election laws be modified to accommodate and permit women to vote and to serve in Parliament, even if the female franchise were to be restricted or conditioned. The more difficult demands dealt with the need to eliminate polygamy and restrict divorce.\textsuperscript{55} The women also demanded the prohibition of legalized prostitution and an increase in the age of marriage to sixteen for women and eighteen for men. Other demands centered on amending the Islamic laws of Children’s custodianship, which favored husbands, not wives.\textsuperscript{56} From then onwards, women put their full force on the Egyptian Feminist Union (EFU).\textsuperscript{57} This is evident across African Nations today as is the case with the Zimbabwean Women’s Union, Sudan Women’s Union, and the 31\textsuperscript{st} December Women’s Movement in Ghana, to mention a few. There is now a proliferation of women’s organizations across Africa whose main focus is to galvanize the expectations of the African woman and to include them in the political and economic mainstream.

\begin{footnotesize}
\textsuperscript{54} Id.
\textsuperscript{55} Ahmad Taha Muhammed, \textit{Al-mar’ah} (The Woman) 61-63.
\textsuperscript{56} Rashid, Asfahani, and Murad, \textit{Tarikh} (History) 23.
\textsuperscript{57} \textit{See supra}, n. 45, p. 11. Huda Sharawi formed Egypt’s first female organization, the EFU, in 1923. The Union’s agenda centered on women’s political rights, such as voting and qualifying for parliamentary representation, but there were also social aspects as well.
\end{footnotesize}
Having had a general review of the socioeconomic and political status of the African world and the women therein, I will now shift my focus to my particular country of analysis within the African context. The next chapter will describe Egypt in light of the political, social, judicial and economic transformations and to find a place for it in the broad description of the African world in development.
CHAPTER II
DEVELOPMENT AND WOMEN IN EGYPT

Egypt fits the pattern of my broad description of Africa in the preceding chapter. It is an African nation and is therefore affected by the socioeconomic and political characteristics of the rest of Africa. Nevertheless, it also possesses some very singular features as an Arab nation and predominantly Muslim with a minority population consisting of Syrian-Christians, Copts and others of Turkish backgrounds.

Egypt is predominantly an agricultural nation and depends on it for most of its foreign exchange. Agricultural irrigation is a major feature of the Nile basin in Egypt and accounts for more than 60% of the agricultural capacity of the nation. The rest of its agriculture is rural based and what that means is that women are major participants in the agriculture of the country. Egypt, like most African countries, has most of its rural agricultural activities carried out by women.

On the educational level, the economic and social benefits of educating girls are substantial; the latter, social benefits, are on the whole probably greater than those for boys are. That is because, even where education is effectively free, the parents usually decide which of their children will go to school and for how long. Poor parents, in particular, with

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59 Daphne W. Ntiri, One is Not a Woman, One Becomes... The African Woman in a Transitional Society 14 (1982).
large families feel they cannot afford to send all their children to school, especially girls as girls are seen as household help. Thus, paradoxically, both parents and society seem to invest less in educating girls than in educating boys in most developing countries. Also, the educational policies adopted during the colonial era and after tended to favor men more than women. Islamic and Arab nations view of the position of the woman in society adds another dimension to the causes of such differential impacts in literacy rates among men and women in Egypt. This will be illustrated further along my study.

Egypt’s GNP per capita of about 600 million dollars includes it among the low-income economies of the world, which is a general characteristic of most African economies. With a heavy dependence on agricultural exports alone and with a population almost fifteen times that of Georgia (52.1 million), this figure is not surprising. It is said that Egypt is one of the most heavily indebted African nations. For the same reasons as most African countries, Egypt had borrowed large sums of moneys from Western nations and has been caught in the trap of debt service payments. The main cause of Egypt’s borrowing has been its heavy spending on the military. Egypt’s military spending is linked to its place in Middle Eastern politics and conflicts. She sought to justify its borrowing and spending on grounds of national security reasons. In fact, Egypt has fought three wars with Israel since the creation of the Zionist State in 1948.

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62 Id.
These general characteristics of the Egyptian socioeconomic environment qualify it as a typical African nation and therefore fit the description of the African world. This chapter will present the historical development of Egypt from colonial times to the present and to explore the changes that had resulted in the status of the Egyptian woman. Following will be a discussion of the status of Egyptian women in the Egyptian society, the Islamic concept on women and a theoretical analysis of dominant development paradigms. This is intended as a framework to examine the impact of modernization on women in Egypt.

(A) Egyptian Historical Review:

Before proceeding with a discussion on the status of Egyptian women and the obstacles to their transformation and participation in development, it is instructive to note that Egypt experienced the protracted process of the transition from colonialism to independence earlier than other African countries. A historical review of the nationalistic phase of her independence is therefore considered in this paper.

The relationship between nationalism and Egyptian feminism was by no means a simple or harmonious one. To understand the nature and extent of women’s participation one must delve into the conditions that led to the emergence of the nationalistic movement itself. By the end of World War I, Britain had ruled over Egypt for more than a generation. British presence, initially explained as a temporary measure, no longer had a convincing raison d’être. Yet, the long promised independence was not forthcoming; instead, frustration and disillusionment among the intelligentsia were intensified when in 1914, with the outbreak of war, Britain declared Egypt a British protectorate, and deposed Khedive Abbas Helmi II.
Increased military rule and the events of the war itself subdued temporarily the nationalist voices of the new elite of educated Egyptians. Yet, if the British for a while believed that this indicated consent to their rule, they soon learned differently. Then the period of 1919 to 1922 was when Egypt became united and, in effect, of nominally independent status. This was a period of intense political struggle when all forces in the country were consolidated for one purpose: the independence of Egypt from British control.

The leader of the new nationalist movement was Saad Zaghlul, dubbed "father of Egyptians." As founder of the Wafd party, the best-organized mass party in the annals of modern Egyptian history, he dominated the national political scene until his death in 1927.

The period from 1919 to the end of the 1920s and even the 1930s was a period that has been identified as the golden age of the Egyptian national identity. Many of the new leaders of the nationalist movement had been educated in Europe, especially in law and the humanities, and, subscribed to views ranging from classical liberalism of the French Enlightenment to British socialism. The followers of Saad Zaghlul in the 1920s and 1930s boldly emphasized the role of science in the modern world. Influenced by the scientific theories of nineteenth and twentieth century Europe, they did not hesitate to introduce a socioeconomic rather than a religious interpretation of history, culture and politics.

The nationalism of the Wafd appealed to educated women of Egypt. In the heightened enthusiasm of nationalist euphoria, the feminist cause was revived. The participation of Egyptian women in the anti-British demonstration of 1919 and in political

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activities up to 1924 was attributed closely to the Wafd. It was through the Wafdist Women’s Central Committee that upper-class Egyptian women were given the chance to play political roles. Once the Wafd turned into a political party after the parliamentary elections of 1924, women once again were deprived of playing these roles. Yet, during this period, feminism became an active organizational concern of women when in 1923, under the leadership of Huda Sharawi (1879-1947), the Egyptian Feminist Union (EFU) was founded. This organization worked cooperatively with their male counterparts in the struggle for independence.

Matters suddenly came to a halt when on February 28, 1922 Britain unilaterally made a move declaring the independence of Egypt. A year later, the Egyptian Constitution was promulgated. In the elections held on January 12, 1924, the Wafd gained overwhelming majority and Saad Zaghlul formed a government. A subsequent electoral law issued on April 30 restricted suffrages to males only. “Half” the Egyptian nation thus was excluded from full participation in the democratic process on the basis of sex alone. It was a time of considerable disappointment and disillusionment for the Wafdist women. Their chagrin was further heightened when on occasion of the opening of the Egyptian parliament (with its Wafdist majority) women were not invited and even refused entry as visitors or observers. With the return of normalcy, women’s nationalist contributions no longer were approved or required.

After World War I and during World War II, the main centers of Muslim civilization (Egypt, Turkey, Persia and India) experienced Western cultural influences far greater and more profound than the experiences of military defeat and political subjugation. In due
course, nationalism and secular constitutions replaced Pan-Islamism and the idea of Shari’a as the sole legitimate system. In the case of Egypt, the political scene in Egypt went through many interesting incidents until July 23, 1952, when a clandestine army group—the Free Officers—staged a successful coup and took over the country. Egypt began a new chapter in its history. The coup led by Gamal Abdel Nasser gave birth to a new regime that took upon itself the charge of the social reconstruction of Egypt. With the objective of “social justices,” the government implemented a number of state policies. During this period, which may be called the liberal age, Muslims also borrowed extensively from Western ideas of equality and emancipation of women. For example, although Egypt professes an Islamic ideology, many practices and policies incompatible with Islamic law were allowed, or may be forced into the consciousness and life-style of many Muslims. To a varying degree, Muslim women became increasingly successful in claiming equality in areas like education, employment and access to public life. This began what an Egyptian commentator called the ‘populist’ phase of Nasser’s rule, a period from 1956-1962 of ‘national construction and economic development, out of which would evolve a new socialist, democratic and cooperative society’ (Dessouki, 1983:10).

Then, in 1971, came President Sadat, who moved on several fronts to dismantle Nasser’s legacy and establish his own stamp on Egyptian public life. To cite an example, on the economic front, Sadat began to remove many of the restrictions on the private sector

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67 See E. Sullivan, Women in Egyptian Public Life (1986).
and on foreign capital investment that had been imposed during Nasser’s rule. In fact, from 1975 to early 1977 (particularly the second half of 1976), Sadat experimented with significant liberalization of the political system. However, during this period, Egypt’s economic problems remained acute, and Sadat’s rule took an increasingly authoritarian cast, manipulating multipoint referenda, a docile parliament, and state-controlled mass media and local civil servants to secure predictable voting support.

As the 1970s came to an end, the social, economic, and political situation continued to worsen. There was also a broad-basis-opposition to Sadat, a clear and emotive focus for hostilities. By 1981, Sadat was assassinated and Hosni Mubarak succeeded to the Presidency.

Unlike Sadat, Mubarak was not a member of the Free Officers, but was a professional soldier. In less than a decade of rule, Mubarak had achieved a number of important milestones in a style less flamboyant than his predecessors. Internally, the parliament elections of both 1984 and 1987 were perhaps the most democratic in recent Egyptian history with non-governmental parties obtaining one hundred and thirty-nine of four hundred and forty-eight seats. It is said that the 1984 elections were indicative of the continuing ever-growing power of religious sentiment as a political force. Today, Mubarak is still in power.

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69 Id.
71 Id.
72 Id.
73 Id.
In contemporary times, women all over the world play important roles, especially the various female political leaders in countries such as Bangladesh, Pakistan, India, Sri Lanka, Myanmar and Turkey. With a stronger feminist consciousness, and with increasing concern for women’s demands for equal opportunities, it is appropriate to speak about the African-Arab woman in Egypt and her status in society. No doubt, many elements of Egyptian culture reinforce the traditional gender roles. As a result, any attempt to eliminate the concept of separate spheres for men and women which forms the basis of Egypt’s societal structure will have to overcome considerable cultural barriers.\(^*\)

Over the last three decades (1970-2000), Egypt had lived a relative legislative lull in matters concerning the Egyptian woman.\(^5\) The wave of national reforms in matters most at heart of the country’s religious communities seemed to have been successfully completed.\(^6\) In fact, an effort was undertaken to bring about more reforms, which was influenced by the necessity of advancing women’s social and legal rights. However, even here, as the case of the Egyptian Controversial law of 1979 suggests,\(^7\) the process of legislative change was slow and uncertain.


\(^{75}\) Muhammed Abu Zahra, *Al-Ahwal ash-Shakhsiyya* (i.e. *Personal Matters/Laws*), Cairo, 1957, Chapter 3.


\(^{77}\) Personal Status Code (ahwal shakhsiyya-literally meaning personal modes or status, currently used in Arabic for all matters related to family law), Repealed, then rescinded under a different form in 1985.
The uneventful development of personal status laws was also accompanied by a social peace among the religious communities, which survived the emergence of the post-decolonization nation states. But in the 1980s, the communitarian lull came to an end.

Although it is not my concern to analyze or evaluate the accomplishments of the Nasser regime, the regime's espousal of socialism implied an ideological commitment to equality for women. Additionally, the government policy of self-reliance and quick socioeconomic development through rapid industrialization had a direct bearing on the lives and status of Egyptian women. The leaders of the revolutionary government explicitly recognized the problem of female emancipation in the National Charter of 1962 that stated "women must be regarded as equal to man and she must therefore shed the remaining shackles that impede her free movement, so that she may play a constructive and profoundly important part in shaping the life of the country." Hence, in accordance with its ambitious plans, the revolutionary government enacted a number of laws designed to ensure the full participation of all members. Compulsory education for all levels was envisioned as investments in human resources. Some laws were enacted and designed specifically to help women shed "the remaining shackles" that impede her free movement, a new constitution and a new labor code that gave Egyptian women rights that they have never enjoyed previously.

Modern development planners have developed a number of important statistical indicators to measure the status of women in society and to accumulate baseline data necessary for the formulation of effective development policies. The status of women in any society is of course, a construct that cannot be measured by the level of one or two characteristics, but rather is measured by the levels of a multitude of characteristics. The
most commonly used indicators of the status of women are: educational level, family formation or marriage patterns, fertility levels, health conditions, economic activity rates, income levels, legal status and political activity rates.\footnote{See Zurayk, F., \textit{Women of Developing Countries}, (1980).} Within the confines of available data and for the limited purposes of my thesis, I will limit my discussion of these variables to the educational level, women and work, property ownership, political rights and legal status. I chose to discuss these variables since they are the most salient and reflective of the status of the Egyptian woman. Additionally, the status of women will be looked upon from a historical viewpoint in order to present a basis for comparison with their present status.

(B) Basic Principles:

(i) Educational Levels

It was reported that the real reason for the corruption and backwardness of the whole Egyptian society is the "abysmal ignorance" of its women.\footnote{See Soha Abdel Kader, \textit{Egyptian Women in a Changing Society, 1899-1987} (1987).} Efforts towards women's education started during the time of Muhammed Ali, who in 1830 established his school of midwifery as part of his ongoing effort to introduce modern secular education in Egypt. This remained the only school for women until foreign missionaries established two primary schools for girls in 1846 and 1849 respectively. Under the British occupation, which began in 1882, few substantial improvements were made in the system of education which underrepresented women in school. Educational opportunities for young women therefore were limited. Only fortunate girls who obtained admission to government schools or whose parents could afford the high tuition fees of foreign and missionary schools or the fees of private tutors at home received an education. By 1907, only 4.9 percent of Egyptian men and
.50 percent of Egyptian women were literate. This means that, 99.5 percent of Egyptian women were illiterate. In 1911, Egyptian writer Malek Hifni Nasif stood up in an all-male nationalist congress and demanded that women have the right to be educated to whatever level they desire.

As previously mentioned, a target of the 1952 revolutionary government was to raise the educational standard of Egyptians. The aim of the revolutionary government’s policy was not only to expand educational opportunities, but also to Egyptianize and unify the country’s educational system. The policy contributed to a change in the concept of the educated woman. The unification of curricula, which aimed to train all Egyptians, whether men or women for active participation in shaping the life of the country, meant that secondary schools specializing in so-called feminine skills were dropped out of the educational system.\textsuperscript{80} There was also compulsory and free education, which had a positive effect on female education in two ways. First, literacy rates among women in the labor force greatly increased partly because of compulsory education laws but also because of the adult and functional literacy classed introduced in factories and other places of work. Second, mainly as an outcome of free education, there was a noteworthy increase in the participation of women in higher education. In essence, women received much greater access to education and opportunities to work.

(iii) Women and Work

Debates on girls’ education led directly to discussions of women’s work roles. The two subjects were inextricably linked, for most advocates agreed that education should

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prepare girls for their role in life and most pushed for a practical training. The central issue was not, however, whether women should work, but whether they should enter the wage labor force in numbers or work at home.

In Egypt, and throughout the Arab world, women have not entered the labor force on a regular permanent basis in large numbers, and as a result the region has one of the lowest wage labor participation rates for women in the world. This has often been associated with Islamic ideology and its strict injunctions on veiling and seclusion. Yet Muslim women in Africa have had a much higher labor force participation rates than women in the Arab world, who in this regard are more akin to non-Muslim women in India. Depending on what traditions are tapped, Islam provides legitimization for a number of patterns, from complete seclusion to creation of a parallel work force of women (as in Saudi Arabia) to greater integration in the work place. The stipulation in Islamic law that a man support his wife and children probably influenced work patterns as much or more than those on veiling and seclusion. On the issue of employment, Law No. 44, passed in 1979, conditioned a wife’s right to work. If out-of-home employment was incompatible with the interests of her family or she misused the right to work, and she refused her husband’s request to stop working, by that, a wife lost her right to support. Indeed, a United Nations Educational, Scientific and Cultural Organization (UNESCO) survey found that 75% of Egyptians opposed a woman’s right to work outside the home without her husband’s permission.

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However, in line with the socialist ideology requiring the participation of men and women, side by side in the building of the new society, the revolutionary government made conscious efforts to increase the participation of women in the labor force. One year after the National Charter of 1962, in which the government explicitly recognized the problem of female emancipation, it encouraged female labor and the improvement of working conditions, day-care centers, part-time job opportunities, and the coordination of husband and wife workplaces. Also, public education became important and the equal role women could play in the labor force were all seen as important programs for broadening female participation.

Despite these efforts, however, the overall participation of women in the labor force remained relatively low in comparison to men. The female work participation rate, which was 2.3 percent in 1947, only had increased to 4.8 percent by 1960.85 In 1980, the rate was only 8.0 percent.86 Also, the increase in female labor force participation in urban areas was offset by a corresponding decrease in rural areas. The rise in the educational and vocational standards of women encouraged many of them to join the industrial sector rather than the agricultural sector. Thus, to be able to play any of the above-mentioned roles in a satisfactory fashion, the Egyptian woman must first have opportunities for education and training at all levels.

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(iii) Property Ownership

Egyptian inheritance laws favor male heirs. That is because it is generally argued under the Islamic ideology, under which such laws are drafted, that daughters get half the share in inheritance compared to their brothers. Islamic law, the Shari’ah, gives women the right to inherit and bequeath property. It also guarantees them the right to full control of their wealth. They can buy and sell property and be involved in trade and commerce without the influence or permission of husband, father, or other male guardian.

Yet, prevailing conditions and customs at the end of the nineteenth century in Egypt, then as now, often intervened to deprive women of the advantages of their legal rights. The seclusion and ignorance in which women live greatly undermine their legal property rights.

The Shari’ah inheritance rights of women also were undermined in Egyptian peasant societies. According to the prevalent system of land tenure, all peasant holdings were fully owned by the state, and the peasants only had usufruct rights. Land thus was not subject to the Islamic laws of inheritance. Upon the death of the usufruct holder, the right was inherited by sons or male relatives of the deceased, if they were capable of farming the land and paying the taxes; if the deceased had no male survivors, the local officials had the right to invest it however they wished.

(iv) Political Rights

Egyptian women gained the right to vote and stand for political office in 1956, when the constitution stated that voting was the right of all Egyptians and that it was their duty to

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88 The Quran, 4:11.
89 Id. 4:12.
participate in public affairs. Political modernization assumes democracy and the right of every citizen to vote. On this, the Nasser regime was greatly supportive of women's participation in the political life of the country, which he found as a necessary part of modernization.

Today, as of the 1990s, the Western image of the Middle Eastern woman's role in politics is contradictory. On the one hand, Hanan Ashrawi appears as the sophisticated, articulate spokesperson for the Palestinian delegation to the peace talks. On the other hand, male politicians of the Islamic Salvation Front (FIS) in Algeria speak of women as subordinates who should not be allowed to work outside the home, let alone participate in politics. This is a reflection of the broad conflicts and debates in the Middle East over the nature of society and the status of women. These conflicts arise in part from the cumulative impact of a century of intense economic change and social dislocation, generating crises that have become particularly acute over the last decade. The fact is that women have been active political players throughout this process. They have not always won their battles, but there is no doubt that they have fought them.

(v) Legal Status

To this day, the status of women in family law, which is based on the Shari'ah, remains the major problem for Egyptian women, the insurmountable obstacle and "closed door" in the face of all feminist efforts. Although by the end of the nineteenth century, all institutions of the Egyptian society were secularized and almost all segments of the population were liberated from the direct control of religion in their daily interactions, the
lives of Egyptian women, whose very existence emanated from their roles as wives and mothers, remained closely linked to, circumscribed, and prescribed by religion.

In the family law promulgated in 1899, the husband, for example, has the unilateral right to divorce. He can divorce his wife whenever he wishes, whether she agrees or not, by merely pronouncing the dismiss formula “I divorce You” in the presence of credible witnesses. He does not need any grounds for divorce. Then Egypt’s Personal Status Law of 1929, Law No. 25, allowed women, for the first time, to sue for divorce. Four grounds are most important: failure to provide maintenance,\(^\text{90}\) desertion,\(^\text{91}\) mistreatment,\(^\text{92}\) and possession of a dangerous or contagious disease.\(^\text{93}\) Law No. 25 did not address the issue of polygamy. Therefore, polygamy will not stand as a ground for divorce under Egypt’s Personal Status Laws.

Additionally, building upon a series of reform efforts, Law No. 44, promulgated in 1979, represented a step further in Egypt’s personal status laws. It required husbands to obtain notarized certificates of divorce even though they were still entitled to divorce without judicial approval by simply repudiating the marriage before a witness as stated earlier. It also

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\(^{91}\) Esposito, *supra*, note 83 p. 57. If a husband was absent for one year or more without just cause, a wife was entitled to sue for an irrevocable divorce. The husband, if possible, had to be informed of the suit and given the opportunity to rejoin his wife or make arrangements for her to join him. If contact with an absent husband was impossible, a wife was immediately granted a divorce.

\(^{92}\) *Id.* p. 56. Maltreatment as grounds for divorce required a woman to prove that the mistreatment was detrimental to the marital relationship and reconciliation was impossible.

\(^{93}\) Law No. 20, 1920. *But see* Esposito, *supra*, n. 78, p. 25, identifying Law No. 25 as the origin of these grounds. Other grounds for divorce include, divorce for harm (not mistreatment only) or because the husband has been imprisoned. See Law No. 25, 1929. A contagious disease is found in the earlier law. While Islamic law had always granted wives the right to support or maintenance, absent a specific agreement, past due maintenance was not grounds for divorce. Before the issuance of Law No. 25, the maximum penalty for failure to pay presently due support was imprisonment. *Id.* at 54.
gave wives the right to be informed of a husband’s decision to divorce or marry an additional wife. Islamic law permits a man to marry up to four wives. Under that law, women were entitled to additional alimony if divorced without her consent or without just cause. Also, divorced women with children had the right to remain in the marital home until they remarried or lost custody of the children, unless the former husband provided a proper, alternative dwelling. To the contrary, women without children or without custody of their children were denied such privileges and protections.

With all this, and for all intents and purposes, it seemed that Egyptian women in the nineteenth century were willing collaborators in the perpetuation of the status quo. The majority was, if anything, more contumacious of the existing moral and social order than men were. Whether women did so through conviction or thorough fear is open to debate. Nevertheless, this was the status of the nineteenth century Egyptian woman.

Indeed, the Egyptian judiciary has a long and honored history in the protection and advancement of civil rights. The ordinary civil courts led the way, then in 1946, came the Council of State, which has “played a significant role in the Egyptian judicial system, both in regard to reviewing the administrative activities of the government and protecting the individual’s rights and freedoms”. The determination of the Council to maintain its independence and enforce the rule of law, particularly while the late Dr Sanhouri was its president, earned the Council the wrath of some members of the Revolutionary Command

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94 Esposito, supra, note 83 p. 61.
95 ld.
96 ld. p. 62.
Council after the 1952 Revolution.™ Sanhouri was attacked in his office by a mob led by a young officer of the Revolutionary Command Council, Salah Salem. Sanhouri suffered personal injuries and his office was ransacked. A new and dangerous trend was started in order to curtail the powers of the judiciary, which prohibited the judiciary from considering the legality of the decisions taken in pursuance of those laws. The Council had no jurisdiction to determine the constitutionality of such provisions. Fortunately, that trend did not last long, and the present Egyptian Constitution expressly prohibits immunity of administrative decisions from judicial review. The circle of the rule of law was completed with the creation, in 1969, of the Supreme Constitutional Court. The only blemish I see on the Egyptian judicial system is the continued existence of special courts, which have been given constitutional recognition, with wide jurisdiction in matters which, in a democracy, are normally left to the ordinary courts.™

However, while the contribution of the Supreme Constitutional Court in the field of human rights finds its parallel in other courts, the unique contribution of the Court to the understanding and application of the principles of Islamic law (the Shariah) stands out as unprecedented. The Egyptian Constitution provides that principles of the Shariah, Muslim jurisprudence, are the main source of legislation in Egypt. As the main source, no legislation should contravene such principles.

Even though, after direct British rule ended and Egypt adopted a new constitution that proclaimed the state’s responsibility to ensure adequate primary schools for all

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™ Id. p. 372.
™ Id. p. 381.
Egyptians, nevertheless, education generally remained accessible only to the elite, a system condoned by modernization theorists. Clearly, at the time of the 1952 revolution, fewer than fifty percent of all primary-school children attended school, and the majority of the children who were enrolled were boys. However, women have made great educational gains: the percentage of women with pre-university education, from 1976, grew more than three-hundred percent while women with university education stands at more than six-hundred percent. Also, the right to vote and to be eligible for election to all public bodies has been ensured to women on equal terms with men in the 1956 constitution and all subsequent constitutions. Women have the right to seek public office except for the office of the president of the Republic, the office of judge or magistrate and religious leadership.

Additionally, legislative measures in Egypt ensure to women, married or unmarried, the rights to acquire, administer, enjoy, dispose of and inherit property. They also have the right to equality in a legal capacity and exercise thereof. In other words, the Egyptian woman has the legal right without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to exercise her free choice of profession and employment and the right to professional and vocational advancement. There is however, some social pressure for limiting her vocational training to so-called feminine occupations. Today, we may not be far from the truth when we say that Egyptian urban

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101 See El-Din, F., Education and Modernization in Egypt (1973).
102 The Supreme Constitutional Court of Egypt, in handling questions of human rights. In particular, Egypt's international commitments, the status and protection of property, freedom of expression and the right to judicial dissent. Provisions of the Penal Code affecting freedom of expression also came in for consideration. The court rightly noted that penal texts must be narrowly framed in order to determine unambiguously the acts that are prohibited.
women have entered almost all professions. Rural women, on the other hand, engage mostly in agricultural work, in poultry raising and in dairy production. In fact, even when the urban woman was veiled and sheltered in the dark seclusion of her home, the emancipated rural Egyptian woman worked in the fields side by side with men.
CHAPTER III
ECONOMIC POLICY AS AN OBSTACLE TO WOMEN’S DEVELOPMENT IN EGYPT

The legal and constitutional recognition of the Egyptian women’s rights and their social existence has been stimulated by the Egyptian society ever since the beginning of the Egyptian woman liberation movement in the mid of the nineteenth century. Thus the Egyptian constitution has acknowledged the obvious distinctions that exist between man and woman and stipulated that all citizens are equal before the law whatever sex, race, religion or belief. In fact, the Egyptian laws have subsequently conformed to the constitution deriving its spirit from Islamic religion, which could be considered as a revolution against discrimination and an assurance of woman rights and genuine role in society. Thus, the battle of Egyptian women is not demonstrated in laws but in the economic, social and cultural changes, which take place all over the history of the Egyptian society.

Nevertheless, strenuous efforts have been exerted for maintaining the social status of woman and creating a new position, which conforms to the legal and constitutional provisions, and with the modern cultural trend leading to liberation, effectiveness and progress.

The issues of economic transformation and modernization and the impact on women are intricately related. Implications of structural adjustment, for example, for women, cannot be taken for granted and can be seen from the Egyptian experience.
In the 1970s, ‘development’ emerged as the main concern of the United Nations as developing countries became the majority and sought to redefine both concepts and agencies of development. Consequently, development was then redefined to focus on equity and poverty issues, as it became apparent that the poor - in most developing countries, a majority of the population - had been excluded from the benefits of economic growth. Hence, instead of measuring development by increased national income or GNP per capita, new measurements such as the Physical Quality of Life Index (PQLI), viewed literacy, infant mortality, and life expectancy and used them to reflect the treatment of basic human needs.

To that, the U.S. government responded with the 1973 “New Directions” legislation, which, rather, required focusing assistance programs on food, nutrition, health and population, education, and human resources. These developments provided fertile grounds for women’s groups, both in the United States and abroad to link women with development issues.

(A) A Brief Overview of Egypt’s Economy:

Egypt, as in most developing societies, experienced a massive loss of its economy. The regime had weak political roots, especially after her defeat in the 1967 Arab-Israeli war. Additionally, Egypt’s internal problems coupled with the termination of U.S.

105 Id. p. 88.
106 Nuket Kardam, supra, note 103, p. 144.
economic aid, among other things, placed external pressure on Egypt to “redefine its national priorities.” Therefore, Egypt had to avoid discombobulating any powerful group in society. It was in dire need of foreign aid. Thus, after 1967, Egypt was not only facing extremely arduous economic and political conditions but was also obliged to pay a debt of the ambitious development effort prior to 1967. Thereafter, for about eight years (1967-1975), Egypt witnessed one of the bleakest times in its modern economic history. This forced Egypt to make heavy use of Western suppliers’ credit as well as short-term credit from commercial banks.

Early in 1974, the World Bank dispatched one of its advisers to Egypt to recommend a development strategy that would allow making better use of Egyptian ingenuity and enterprise, encourage private savings and the repatriation of capital from abroad, help the export effort and allow for domestic competition between private and public firms - economic modernization. However, the most obvious external pressure came from the International Monetary Fund (IMF) and the Consultative Group. The IMF made the extension of any further credit contingent upon the implementation of a set of measures that would restructure Egypt’s internal economy. These measures in effect forced the Egyptian economy to open its doors to foreign goods. At least, in the initial stages of their

110 Id. p. 7.
113 Id.
implementation, open-door development strategies (Structural Adjustment) have been known to exacerbate internal inequities between the rich and the poor and in some instances to worsen the level of absolute poverty. Clearly, in the absence of specific strategies, the poor usually accrue little benefits from the “economic miracles” of open-door economic policies. In Egypt, women have been disproportionately affected.

In 1975, about one-third of all of Egypt’s external debt was due for repayment during the following two years and in 1975 alone, Egypt was obliged to pay $2084 million in servicing of short-term debts, an amount equal to seventy-eight percent of Egypt’s proceeds of all exports in that year. Then, only two years later, the situation became radically different and it looked as if a whole decade of accumulating difficulties was coming to an end. The last four years of Sadat’s reign (1977-1981) were almost unprecedented in Egypt’s modern history, in terms of growth of income and foreign exchange revenues. This was because, during those four years, the rate growth of GNP reached 8.9 percent in real terms, oil exports, which did not bring more than $162 million in 1977, multiplied almost ten times to $1.5 billion in 1981 as a result of the use in both oil prices and output, while invisible exports, mainly labor remittances, increased from $998 million to $4 billion during the same period. Egypt’s terms of trade rose by eighty-one percent in those four years and its total foreign exchange revenues multiplied about four times.

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119 Id.
Those conditions were obviously favorable for an attempt not only to stop the trend of increasing indebtedness but also to bring about a significant reduction in it. Hence, in response to these pressures, between 1974 and 1977, a number of new economic laws were enacted that amounted to the reversal of Egypt’s socialist transformation, tilting it progressively toward a capitalist laissez-faire economic policy. Thus, neither Egypt nor Sadat really opted for this economic policy which policy imposed the convergence of both internal and external factors. By 1978, Egypt was firmly integrated within the web of world capitalism. The situation, however, continued to deteriorate, making Egypt less of an industrial nation than it was in 1965.

Sadat’s two main economic legacies to President Mubarak were a much bigger external debt and more distorted economic structure than Sadat had received from his predecessor, Nasser. Between Nasser’s death in 1970 and the assassination of Sadat in 1981, total external civilian public debt, both long and medium-term but not including short-term debt, increased from $1.7 billion to $14.3 billion, more than an eightfold increase. With the change in political leadership in 1981, the need was expressed for a serious reconsideration of economic policies with the aim of capturing the deterioration both in the external debt situation and in economic structure. One view, which was forcefully expressed in the February 1982 economic conference called by President Mubarak and repeatedly expressed in the annual conferences of Egyptian economists since 1976, was to discuss alternative solutions to the economic crisis. It was to introduce severe restrictions

\[^{120} \text{Galal A. Amin, supra, note 109 p. 12.}
\[^{121} \text{Id. p. 13.}\]
on imports, including some capital and intermediate goods, even at the price of a reduction in the rates of investment and growth of output, as well as a big reduction in military expenditure.\textsuperscript{122} The reduction in investment was to be compensated for by the realization of investment allocation and income redistribution measures. This was called the first five-year plan for the years 1982/3-1986/7, which actually did not seem to give high priority to the reduction of external debt, even though “self reliance” was one of its declared aims.\textsuperscript{123} By 1986, the debt situation was therefore, considerably worse than it was at the beginning of the decade, even though the growth of debt was slower than in the 1970s.\textsuperscript{124} Furthermore, a serious external shock hit the Egyptian economy early in 1986 in the form of a sharp fall in oil prices, known today as the “Oil Shock Crisis”. This did not only affect Egypt’s own oil revenues but hit Egypt indirectly as well by the leveling off of labor remittances from the oil-rich countries and the decline in Arab tourism in Egypt. This situation was further aggravated by the fact that this fall in oil prices coincided with a steep rise in Egypt’s debt service obligations. According to an IMF source,\textsuperscript{125} these obligations in 1985-1986 were no less than $5.5 billion, which was almost double the debt service of 1981, and constituted more than fifty percent of the value of all exports and services in 1985-1986.

Egypt was unable to meet these obligations and had in fact already been accumulating arrears in servicing its debts for some years. This, throughout the 1980s, was widely

\textsuperscript{122} Id. Also, an IMF report mentions that military expenditure in Egypt increased at an annual rate of twenty percent in the years following 1979, reaching thirty-two percent in the last year of Sadat’s rule (1981). IMF: Arab Rep. Of Egypt: Recent Economic Developments, June 19, 1984 (mimeo), p. 4.

\textsuperscript{123} Id. p. 14.

\textsuperscript{124} Id. p. 15.

considered as Egypt’s major economic problem. Having emerged as a consequence of persistent deficit in the balance of payments, by the mid 1980s, it has become itself one of the major burdens on the balance of payments. It has also become, at least since the early 1980s, a major constraint on Egypt’s freedom to take its own political decisions. To cope with the problem seemed to require action on all economic fronts, and the discussion of its causes evoked all ailments of the Egyptian economy.

Egypt, currently, is the Third World’s leading beneficiary of Western aid and among the most carefully studied of non-Western societies. Evidently, it has been painfully slow in adopting the new orthodoxy of development. Disappointment with Egypt’s pace of change among officials within the United States Agency for International Development (USAID) and among others committed to liberalization is growing and is compounded by three factors. First, it is remembered that Egypt in the post-World War II period was a leader among the less developed countries in adopting U.S.-endorsed reform programs. Why then and not now, it is asked? Second, in most senses, Egypt remains the leading Arab State. Its role as bellwether and even cause of change in the Arab World is reduced but still potent. If Egypt remains recalcitrant in the face of U.S. pressure, it suggests there is little hope for spreading the new orthodoxy elsewhere in the region. Finally, hopes for liberalization of the Egyptian economy and polity were raised by Anwar al-Sadat’s infitah (opening), a reform program that survived its author’s assassination but in modified form. The excesses of the infitah served to discredit economic liberalization among broad sectors of the population.

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127 Id.
128 Id. p. 5.
Reforms in the directions export-led growth and privatization now confront more political obstacles than they did under Sadat, when large numbers of Egyptians saw in such changes a panacea for their economic problems. The bungled reform has, in short, made the task of Husni Mubarak's generation of reformers more difficult.

(B) Outcome of Economic Policy (Structural Adjustment):

In almost all aspects of economic policy, the Mubarak regime continued essentially a similar contribution to that of Sadat. Whether in their approaches towards private foreign investment, to foreign trade policy or to the role of government in the national economy, including their attitude towards income distribution, both the 1970s and 1980s stand in direct contrast to Nasser's interventionist policies of the 1960s. This is as true of official declaration of policy as it is of actual implementation, so that it is not wrong to view the main function of the economic policies of the 1970s and 1980s as the dismantling of Nasser's economic legacy. It is important, however, to note the slackening down of the process of economic liberalization during the first half of the 1980s. Whether in trade liberalization or in the extension of new concessions to private foreign investment, the early years of Mubarak look like an interruption of a process

Started by Sadat in 1974. The process, of course, was resumed in 1987, and accelerated after the signing of the new agreement with the IMF and the World Bank eventually, in 1991. "Structural Adjustment" measures, which were taken rather timidly and hesitantly before 1987, were now taken persistently and with much greater force. The

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129 Id.
130 Gala A. Amin, supra, note 115 p. 123.
impact on the poor is tremendous. In a recent World Bank report,\textsuperscript{131} twenty to twenty-five percent of the total population of Egypt were categorized as “poor”, about half of them, that is ten to thirteen percent, were being described as “ultra poor.” In rural areas, the poor include the landless, very small landholders, and agricultural laborers, while in cities, they include most workers in manufacturing and services and a significant number of government employees. The ultra poor include widows, the older sick and disabled people who are heavily dependent on direct income transfers.\textsuperscript{132}

Before 1987, a good percentage of the population, but particularly those categorized as “poor,” suffered from the early applications of “structural adjustment” measures, but mainly from the successive reduction of government subsidies to some essential goods and services. No doubt, with the acceleration of structural adjustment measures after 1987, the state of the poor must have deteriorated further. This is more so, since subsidies to various basic items were reduced or eliminated.\textsuperscript{133} To illustrate further, government expenditure on social services, as a percentage of GNP, declined from 5.9 percent in the period of 1984-1985 to 4 percent in 1990, while government expenditure on education per student in the late 1980s was about one-fifth of what it was ten years earlier, in real terms.\textsuperscript{134} More serious perhaps, is the anticipated impact of the process of privatization, which has just begun, on the rate of unemployment. Also, the impact of a drastic reduction in the number of redundant employees in government services where over-staffing has been estimated in the

\textsuperscript{132} \textit{Id.} at xiv.
\textsuperscript{133} \textit{Id.} p. 95.
\textsuperscript{134} \textit{Id.} pp. 113 and 117.
1970s to be as high as forty percent. The unemployment rate is already as high as twenty-eight percent of the labor force and is significantly higher among university graduates.

In essence, the implementation of structural adjustment brought with it a change in the nature of Egypt's economic activities coupled with a net decrease in employment opportunities. There was widespread retrenchment of workers, the majority of whom were women. The increase in foreign investment meant that a significant portion of domestic savings and skills was diverted from labor-intensive production toward those branches of production that were either part of or in the service of the foreign sector. In the major cities, social disparities widened and class lines hardened as engaging in private enterprise business became the main channel for upward social mobility.

No one is denying that structural adjustment has caused and will continue to cause hardships, particularly for those who are already poor or disadvantaged (women), but it is usually alleged that the pain is only temporary and that everyone will end up benefiting from the reform program eventually. However, this optimism is based on the view that once the interference with prices and restrictions on the free play of market forces are abolished, the serious misallocation of resources which has characterized the Egyptian economy since the 1960s, is also going to end, and private investment, both national and foreign, will be encouraged, boosting up the rate of growth of output and employment. Export promotion will open new employment opportunities in the export-oriented industries, including small-scale labor-intensive industries in which Egypt may have comparative advantage. The

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135 Id. p. 46.
136 Id.
freeing of interest and exchange rates from official control, which also encourage the use of labor-intensive techniques allowing greater absorption of those seeking employment. However, all this will take time before it brings any relief to the poor and the unemployed. Thus, some measures may have to be taken to alleviate the temporary hardships. Also, much more seems to be required, to absorb the unemployed in new and remunerative jobs, than merely to allow the free play of market forces.137

Having said this, Egypt’s new policy, intended as an economic one, thus had its consequences on the cultural and socio-moral level. As doors were opened for economic activity, there was a simultaneous movement of people - foreigners in for investment, Egyptians out for labor - and with it new exposures. In a word, “economic liberalization” also meant “westernization” or economic modernization and the submerging of Egyptian culture.138 Just as the alienation from national culture had devalued authenticity, the new materialism undermined ethics. In a word, modernization seemed to go hand in hand with “social disintegration.”139

(C) Impact on Women:

The socio-economic development plans and programs in Egypt have evidently an influential impact upon Egyptian women. This issue has been reflected on women’s

137 E.g. Shortly after the signing of the May 1991 agreement between the IMF and the Egyptian government, the Director-General of the IMF was addressing Egyptian businessmen and high-level officials in Cairo, when he was asked how long did he expect the period of tightening belts would last in Egypt. His frank reply was that there was no near end in sight for the tightening of belts. His reason was that just as Egypt is entering a race of economic readjustment, other Third World countries are doing the same. The competition is therefore going to be tough. Galal Amin, supra, note 12 p. 127.
139 See Mark N. Cooper, The Transformation of Egypt (1982).
concerns, activities, education and other services provided to women. For example, advocates of structural adjustment sometimes allege that their program for reform is necessary, not only for raising the material standard of living of rich and poor alike, but also for the fulfillment of a more wholesome life as implied by the term “human development” which has been newly adopted by United Nations agencies. Such, for example, is the message embodied in a recent report published by the Institute of National Planning in Egypt with the technical cooperation of the United Nations Development Program.

The report defines “human development” (HD) simply as “a process of enlarging people’s choices,” which hardly goes beyond the familiar goal of economic growth, since any increase in the quantities of goods and services produced would necessarily enlarge somebody’s range of choice. This is the case irrespective of how necessary the good is or who gets it. The enlargement of people’s choices is indeed the argument used by Arthur Lewis forty years ago while defending economic growth in the sense of a mere increase in goods and services. The report clearly rejects the basic needs approach to development, or what it calls “development of a second degree compared with that of the North.” In contrast, “HD is concerned with the satisfaction of all needs - basic or non basic. Given that HD is a process of enlarging peoples’ choices, the distinction between basic needs and luxurious needs is redundant as a normative prescription.”

141 These agencies include, e.g. ECOSOC, under which fall the several conventions discussed in Chapter III of this study.
143 Id. p. 4.
145 Id. p. 6.
In Egypt, Women constitute the majority of the poor, under-employed, and socially and economically disadvantaged in most societies. IMF policies that are generally disadvantageous to the poor of Third World countries are especially so for women.\textsuperscript{146} Traditional thinking subordinates women to positions of inferiority, at least in the western sense. Tradition limits women roles to childbearing and housework, and usually proves remarkably stubborn to breakdown. Yet, socialist societies with their planned strategies for satisfying basic human needs improve women's overall condition by giving them more rights and education through greater employment in the non-traditional labor. By contrast, the reshuffling of the production structure to fulfill the needs of an economy open to uncontrolled market forces and the flow of foreign capital and imports reinforces and even exacerbates the subordination of women by reducing their employment opportunities and increasing their levels of absolute and relative poverty.

In essence, the international obstacles to women's development in Egypt can be gleaned from the debilitating impact of IMF imposed structural adjustment policies. As noted earlier, such policies tend to limit the government's leverage in effectively dealing with the status of women and therefore, translate into decreased employment opportunities in general. It is also worthwhile to mention that the parameters for women's development or status established by western beliefs and values are oblique from traditional Egyptian value systems. Thus, any attempt to transform the Egyptian woman from the western perspective would back-peddle, and in most cases, would lead to social degeneration. It is interesting

to note that, as the most “modernized” Arab country, Egypt boasts the highest divorce rate and the largest number of prostitutes in the whole of the Arab World.\textsuperscript{147} It is for this reason that my praise of modernization comes with reservation. As a matter of fact, the consequential decline in morality has led women to Islamic fundamentalism, whom women themselves, among others, are advocating that women give up their public roles. There is evidence that this call, resulting in the increasing levels of unemployment, instigate “retraditionalization” of the roles of Egyptian women, brought about by the international pressures of modernization-structural adjustment.

CHAPTER IV

ANALYZING DEVELOPMENT PARADIGMS

Most development theorists writing in the 1950s and 1960s assumed that industrialization or development in other words,\(^\text{148}\) would liberate women, offer them employment opportunities, and make them citizens of young democracies in the Third world with rights equal to men’s.\(^\text{149}\) Since the early 1970s, however, it became increasingly clear that most development projects had either ignored women or had made their situations worse.\(^\text{150}\)

Many studies demonstrated how women’s status actually declined as a result of development efforts because development planners treated women mainly in their reproductive roles as unpaid volunteers, failing to take into account women’s economic productivity and failing to provide them with such resources as access to credit and to new technology, even in activities traditionally performed by women.\(^\text{151}\)

In that, there are a number of theories on how and why women have been disadvantaged in the development process. Depending on the reasons given, policy

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\(^{148}\) Development has traditionally been understood as the industrialization of a developing country and its integration into the world capitalist economy.

\(^{149}\) Peter R. Beckman, & Francine D’Amico eds, Women, Gender and World Politics: Perspectives, Policies and Prospects 142-143 (1994).

\(^{150}\) Id.

recommendations vary. Two approaches, the anti-poverty approach and the efficiency approach, come under the Women in Development (WID) framework, which was coined by the women’s committee of the Washington, DC, Chapter of the Society for International Development.\textsuperscript{152}

(A) The Anti-Poverty Approach:

The anti-poverty approach focuses on low-income women and aims at increasing their employment and income-generating options through better access to productive resources.\textsuperscript{153} This being the assumption that those women’s inequality with men is related to women’s lack of access to private ownership of land and capital and to sexual discrimination in the labor market.\textsuperscript{154} Integral to the anti-poverty approach was the basic-needs strategy, with its primary purpose of enabling women to provide more effectively for their families the most fundamental human needs (food, shelter, clothing and medical care). At the same time, it was intended as a strategy to simplify women’s work burdens, to enable them to become more independent economically and to allow them to participate more actively in community-development activities. This approach worked in at least increasing the number of hours women worked. Projects directed exclusively at women and operating in a sex-segregated environment were acceptable as long as there was no possibility of competition for scarce resources between women and men.\textsuperscript{155} This only goes to show the

\begin{footnotes}
\item[153] See \textit{Presley, supra}, note 45 p. 146.
\item[154] \textit{Id.}
\item[155] \textit{Id.}
\end{footnotes}
impact such practice has on women, which is far more serious than that on men. The Anti-Poverty approach thus, seeks to ameliorate these standards, allowing women to be more resourceful. On this, Mayra Buvinic argues that development projects involving women have mostly been those that do not threaten the “public/private distinction.”

(B) The Efficiency Approach:

The efficiency approach, which is now the main one within the (WID), in the case of women, rests on the assumption that fifty percent of the human resources available for development are being wasted or underutilized. Thus, the approach focuses on the contribution of women to economic growth. It is argued that discrimination is not rational; if women are marginal to development programs, it is at the cost of greater productivity. Thus, the economic contributions of women to development are the means to achieve the goals of economic growth and efficiency. As the World Bank has noted:

Leaving questions of justice and fairness aside, women's disproportionate lack of education, with its consequences in low productivity, as well as for the nutrition and health of their families has adverse effects on the economy at large.

The anti-poverty and efficiency perspectives represent the approaches that have guided development assistance. They both begin from an acceptance of existing social structures. These perspectives assume that women fared less well because they were overlooked or because their needs were not being addressed. As a result, the perspectives

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157 Beckman, supra, note 149 p. 147.
158 Id.
focus only on how women could be better integrated into ongoing development initiatives and how they could attain more equal participation in education, employment, and other spheres of society. Other approaches (Modernization theory, Marxist theory, and Feminist theory) offer alternative visions. They start by questioning the existing political and economic structures of society.

(i) Modernization Theory

Anthony and Porter define Modernization as a "word full of hope, enthusiasm, and the idea of progress."\textsuperscript{160} Putatively, it suggests that the developed western cultures invented or perfected most things associated with modernization and that in due course, underdeveloped countries will enjoy them as well.\textsuperscript{161} By following prescribed and guided unidirectional paths, these countries will develop. It maintains therefore, that if there is any failure to develop, it is not due to the inadequacy of the model of modernization theory but, because leaders did not design appropriate policies to foster development.\textsuperscript{162}

The interpretation of modernization is associated with nation building. It is all encompassing and could be economic, political, or social.\textsuperscript{163} Early studies of African nationalism and African politics were written from a modernization perspective. The basic premise behind this approach was that African societies are in the process of becoming modern rational entities in which efficiency and scientific logic have replaced traditional values and belief systems.\textsuperscript{164}


\textsuperscript{161} Id.

\textsuperscript{162} Id.

\textsuperscript{163} Id.

\textsuperscript{164} Id. p. 10.
Modernization was seen as providing a foundation for African countries to achieve, first, some measure of stability and autonomy and, ultimately, a pattern of convergence with the western industrialized world.\textsuperscript{165} The underlying assumption is that modernization influences are projected to peripheral regions from the North to South, and hence, the path to progress from traditional to modern will be inevitable.\textsuperscript{166} In other words, the history of the west will be repeated in the underdeveloped world. However, Magubane, an African sociologist, challenged this notion. He argues that many indices of ‘progress’ in fact index degradation in African perception.\textsuperscript{167}

The Modernization theory says very little explicitly about women, reflecting the general liberal assumption about development. As aforementioned, women are being the same and they are abnormally less easily made into modern economic or political participants than men. Modernization sees women and development as part of an overall process of positive change- technology. Any differences between male and female absorption into the process are seen as a failure of diffusion, not as a failure of the model itself. In this view, traditional societies are male-dominated and authoritarian, and modern societies are democratic and egalitarian, at least in the long run.

Modernization and the execution of development policies and programs are perceived as gender-neutral or even particularly advantageous to women. It is important at this point to refer to the African women’s experience in the last four decades after independence. Presumably, African countries have developed to some extent, and yet modernization did not

\textsuperscript{165} *Id.*
\textsuperscript{166} *Id.* p. 9.
necessarily liberalize the position of women. In some cases as in Egypt, the situation for women became worse. The development path chosen and undertaken by African leaders (Egyptian leaders), in most instances has tended to marginalize the position of Muslim women. In an earlier part, I had cited the marginalizing role in education, for example, played in Africa’s path to modernization. Additionally, the rise of modern cities in Africa only provided opportunities for men because the mobility of the woman to the urban region was limited by colonial and cultural arrangements. It is known that the oppression of women had its origin in the rise of private property and capitalist industrialization.¹⁶⁸

In addition to the above, one main shortcoming of the modernization theory was its inability to recognize the cultural, social, and general environmental singularity of the peripheral nations. The deterministic nature of the theory therefore, doomed the theory to failure.

(ii) The Marxist Theory

The Marxist perspective suggests that women’s integration serves primarily to maintain existing international structures of inequality.¹⁶⁹ This theory argues that the capitalist economic systems, which stressed private property and the accumulation of private wealth, produced “bourgeois” ruling class that exploited a proletarian working class.¹⁷⁰ Thus, it indicates that once class distinctions and private property were eliminated in worldwide workers’ revolution, there would be no further need for national governments and nation-

¹⁶⁹ See, supra, note 149 p. 147.
¹⁷⁰ Id. Policy recommendations include the differential treatment of women from different socioeconomic backgrounds, with different policies for urban middle-class women, urban factory workers, domestic servants or rural peasant women.
A harmonious global communist society would result with each person receiving wealth according to need rather than privilege.\textsuperscript{172}

Although a great deal has been written about capitalist versus socialist political structures, very little of it touches on the issue of the status of women in society. Karl Marx in his critique of capitalism does not address himself directly to women because he does not consider them an analytical category of oppression but rather as members of various classes.\textsuperscript{173}

The emphasis of Marxism is class and that the issue of women should be subordinated to class struggle. For Marxist, class issues should be addressed before issues of race and gender. Nevertheless, Marxist theorists maintain that the dependent status of women will be altered primarily by socialist revolution, and subsequently by the elimination of domestic labor.\textsuperscript{174} The famous saying by Lenin is often quoted that: the proletariat cannot achieve complete freedom unless it achieves complete freedom for women. This belief can be gleaned from some of the development policies towards women by Kwame Nkrumah of Ghana, when, during his predilection towards socialism, he sought to mobilize and integrate women in national development. He was of the conviction that development could not be successful without the vital contribution of women and vice versa. It was in this same spirit of Marxist redemption of the woman that the socialist regime of Jamal Abdel-Nasser of Egypt, in 1952, presented a series of responses to the women problem.\textsuperscript{175}

\textsuperscript{171} Id.
\textsuperscript{172} See S. Frederick, International Relations: The Global Condition in the Twentieth Century (1988).
\textsuperscript{174} Beckman, \textit{ supra}, note 149, pp. 147-148.
\textsuperscript{175} Egypt 1962 National Covenant and Egypt 1956 Constitution.
The experience of Egyptian women with Marxism replicated those of women in other societies undergoing socialist transformations. Women’s acquisition of constitutional and legal rights did not automatically or spontaneously bring about a change in long-established, internalized values regarding women’s values in society. In writing about socialism and gender relations in Vietnam, Christine Pelzer White notes “the Leninist route to women’s emancipation by drawing women into productive labor seems a joke, a formula for total exhaustion rather than for liberation.”

(iii) The Feminist Theory

This theory aims, as Alison Jaggar writes, “to incorporate women into the mainstream of contemporary society.”

Thus, the theory seeks to understand women’s oppression by focusing directly on sex: male and female inequality in matters of reproduction as independent and more important than class inequalities. Most feminists argue against the subsumption, by Marxism, of the feminist struggle into the supposedly “larger” struggle against capital. Feminist would demand a broader inclusion of women in every facet of development and be accorded the status of consummate equality with men regardless of biological or reproductive differences. On the other hand, the provenance of African feminist is found in the general feminist theory with an inclusion of race issue. In her African Feminism: A Worldwide Perspective, Filomina Chioma Steady noted that few studies have dealt with the issue of racism since the dominant voice of the feminist movement has been the white female. She therefore, articulates the place of the black

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woman who faces triple oppression. The mobilization and organization of women's movements across Africa from immediate post independence to today is an indication of the uniqueness and awareness that is establishing in the minds of African women. Egyptian women's movement will be of special consideration in my works of this thesis.

So we can see from the foregoing analysis that the Marxist theory criticizes and blames the plight of the woman on the institutions of modernization theory. However, because of the general inability of communism to effectively integrate women in the struggle for equity in society and development, and also what may seem to be a total exclusion of women in Marxist theory, feminists have distanced themselves from such Marxist underpinnings. The general feminist theory however, falls short of addressing racism, hence, the birth of African feminism.

This analysis of the dominant development paradigms above-mentioned will serve as the platform for my analysis of the status of women in Egypt. My place in the theoretical debate is a mixed one. However, later along my writings, I will share with the reader my thoughts and what I consider to be a panacea to the gender-development problem.
CHAPTER V
THE IMPACT OF RELIGION IN THE MODERNIZATION AND DEVELOPMENT OF WOMEN IN EGYPT

In the course of my research of the literature on development and modernization, I became aware that this issue of development or modernization of Islamic countries could not be adequately analyzed, explained and addressed. This is particularly in terms of the existing paradigms in the disciplines formulated to analyze and rationalize the issues involved in the development and modernization process of developing countries as a whole.

It's apparent that a fundamental issue in Muslim countries is that of prevalent ideas about Islam, and the so-called Islamic traditions, which affected every aspect of life in a Muslim society had been more or less ignored. This is largely in the role of religion in such societies.

Accordingly, such a study cannot adhere strictly to the doctrine of secularism, which made religion a private affair. This is more so, since a study cannot afford to ignore the religious dimension of the societies, which is actually of fundamental importance.

Notably, however, scholars from Muslim societies, barring some outstanding exceptions, have mainly provided an apologia of the existing religious conceptions and practices in Muslim societies. This further reinforced the ideas of Western scholars\textsuperscript{178} the

\textsuperscript{178} In this category would also fall most of the writings of dependency theorists like Samir Amin of Egypt. Other dependency theorists like Wallerstein did not examine Islamic societies in any systematic manner and based their conclusions regarding dependency on what they observed at the surface level. Their theories of dependency are, therefore, seriously flawed in so far as Islamic societies are concerned, and in fact, lose their validity. This is further illustrated in my study of Egypt here, a country with a Muslim society.
effect of which has been that Islam has been accepted as a given. Therefore, the critical appraisal of Muslim societies on this score went unattended.

It is this awareness that led me to undertake this research and to analyze the issue and that is, the role of Islam in the promulgation of laws in the modernization efforts of Egypt as a Muslim country, women being a focus. Hence, the choice of Egypt was deliberate since Egypt is sizeable and of predominantly Muslim population; and Egypt is apparently engaged in modernizing its society.

(A) State Position/Policies Regarding Islam:

In Egypt, an Islamic religious organization, Muslim Brothers, was set up in 1928 by Hasan al-Banna. It was essentially a reaction to the prevalent socio-economic and political conditions in Egypt; it became a mass movement in the 1940s. The Egyptian society by then had become deeply divided into two groups: the modernists and the traditionalists. Muslim Brothers represented “a complete and full estrangement from Western ideas, institutions and habits.”179 Its rallying call was Islamic law (Shariah); “it was to them not only the kernel of Islam itself but also a means of self-identification.”180 The leaders of this movement were the products of religious institutions; their ideas appealed to the mass of the population who were disillusioned with the prevalent socio-economic order.

In the judicial sphere, the Shariah courts, which dealt with such matters as marriage, divorce and inheritance, along with the courts of the minorities, were amalgamated into one “secular system” on January 1, 1956. However, the basis of the Shariah itself was retained

180 Id.
as heretofore. This is an important point for it meant that society would continue to function on the basis of those rules and regulations, which were incorporated in the Shariah. Essentially, therefore, there was no change in the content of law, which is based on the ‘sayings of the prophet’ literature. Daniel Crecilus argues that:

Egypt remains an Islamic state, secular in part, but nevertheless preserving the one vital link that connects state and society to God. Even as it changes the Shariah in a drastic manner and expands the sources from which legal principles can be drawn, it does not repudiate the theoretical primacy of the Shariah and continues to argue that Shariah principles govern the nation.181

Undoubtedly, some find this argument to be seriously flawed. It is too simplistic and dangerous a notion to argue that Islamic law is the link between “state and society and God.” However, in Egypt, when the Ministry of Religious Endowments began preparing sermons for the mosques, a practice resorted to by the government as a reform measure of the religious establishment, the policies of the government were espoused and backed up with quotations from the Quran and the Sunnah (Sayings and doing of the Prophet). The practice apparently continues at present. “The government solicits from the Muslim scholars formal legal opinion on a wide range of issues, including birth control, land reform, nationalization, scientific research, foreign policy and social affairs”.182

The 1971 Constitution of Egypt declared, “The principles of the Islamic Shariah are a major source of legislation”.183 Although the word “principles” is used, dependence on the Shariah means strong reliance on the opinions and rules and regulations contained therein.

182 Bruce M. Northwick, Religion and Politics in Israel and Egypt, The Middle East Journal, 33, No. 2, Spring 1979, 158.
The inclusion of the Shariah in the constitution suggests: (1) a strong hand of the Muslim scholars, (2) fear of the Muslim scholars, (3) a moral short cut, in that the necessary intellectual effort to re-workout that principles and directions from the Quran is avoided. It is also influenced by (2) above and ideological confusion.

When the permanent Constitution was being prepared, the Preparatory Committee sought public opinion on the basic principles. The Rector of al-Azhar, in a telegram to the chairman of the committee asked that Islam be declared the official state religion, as if such a declaration by itself would efface all the ills and problems of the Egyptian society.

Opinions varied on the issue of the Shariah. Some members of the Preparatory Committee demanded, “that the Constitution prescribe the Shariah as the principle source of legislation”. Echoing the opinions of the great mass of Muslim scholars, Muslim scholar Ali Sayyid Mansur of the Religious Institute at Assiut suggested, “that Islamic law should be the source of “Egypt’s fundamental laws”.

Educated women were also opinionated on the issue. They demanded “that a new law of personal status be enacted, that the constitution contain (guarantees of) the freedom of the feminist movement, and that women be granted a fuller share of civil rights in keeping with their equality with men”. However, Muslim scholars’ insistence was on the continuation of the Shariah. In other words, while agreeing with the demand for

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185 Id. p. 141.
186 Id. p. 139.
equalization, they insist that it “should be achieved within the framework of the provisions of Islamic law”.

Such was the pressure of religious groups on the state. Serious questions relating to religious issues remain unsettled. Therefore, the Egyptian society is characterized by a sharp cleavage between secularists and traditionalists. It is said that religious leaders and their cohorts have caused “one of the most serious crisis in the history of the Egyptian State.” They have paralyzed state power and succeeded in thoroughly confusing state leaders and the mass of the Egyptian society because of the prevalent ideological confusion in the society.

A hasty and seriously flawed conclusion in this dilemma, which the country faces, would be to suggest “a secular formula of identity.” The real solution is to arm the population with the correct information about what Islam teaches. Secular institutions can then be hoped to function successfully.

(B) Islamic Notions on the Role of Women Toward Modernization and Development:

Islamism, often called political Islam, has clearly placed the issue of the roles and rights of women at the center of its agenda. The rhetoric of Islamist teaching, speaking, and writing makes it abundantly clear that the ways in which women act, dress, and comport themselves are crucial in the reconstitution of a new and authentically Islamic society.

187 Id. p. 139-140.
188 P.J. Vatikiotis, Religion and State, in Warburg and Kupferschmidt, eds. p. 68
189 Id. p. 69.
191 For further details regarding details of women’s proper dress and comportment, see: Khalid Mustafa ‘Adil, Al-Mar’a Kama Yuriduha al-Islam (The Woman the Way Islam Wants Her) (1994).
In that, much of the power of the Islamist position comes in its legitimate critique of autocratic regimes, the unequal economic power base in many Muslim societies, and the failure of imported prescriptions to cope with the prevalent problems of modernization and urbanization.\textsuperscript{192} Islamism is offered as the most effective solution to economic as well as political and social problems. In other terms, as a panacea. Implicit (and often explicit) in this analysis is the importance of women’s behavior and roles for the reconstruction of an appropriate and effective Islamic order.\textsuperscript{193}

However, on the other side of the coin, secularist and liberal Muslims tend to be more inclined with the Western perception that Islamist positions in regard to women are regressive and represent a significant loss of rights gained for women through the hard-fought battles of the twentieth century. Indeed, some Muslim women are upset about what they see as restrictions that have been thrust upon them in the name of Islam, and bitterly resent the perceived loss of freedom and often the loss of rights that they believe are legitimately theirs under Islam. They are repelled by what they understand to be the “political” nature of the Islamist stance toward women and the potential for violence and abuse that they believe it contains.\textsuperscript{194}

But clearly, for many Muslim women, the Islamist platform represents an effective response to the challenges of modernity and one in which they are happy to play a role.

\textsuperscript{192} See supra, note 149 p. 137.

\textsuperscript{193} "This attempt to relate gender inequality to other political and economic sources of global and national inequality is the key insight offered by this discourse." Mervat Hatem, Toward the Development of Post-Islamist and Post-Nationalist Feminist Discourses in the Middle East, in Arab Women: Old Boundries, New Frontiers, Judith E. Tucker ed., 44 (1993).

and be a part of. They are even willing, sometimes with modifications, to play it according to the Islamist rule. Thus situation says Valentine Moghadam, has brought about a kind of ideological polarization of women in the Middle East.\textsuperscript{195} Some of them seem to acquiesce agreeably to the expectations put upon them with no attempt to questions or criticize. Others have given careful and thorough consideration to the implications of the Islamist position on women, like what they see, and believe that their carefully defined role in the movement is essential to the process, which will renew and revitalize Islam and Muslim states. As Marie-Aimee Helie-Lucas writes:

Many of these women believe that the changes resulting from their participation in the fundamentalist movements are irreversible and form a part of the social advancement of women, and that above all, their participation aids in the evolution of these movements in a favorable way to women, an ‘entryist’ position if any.\textsuperscript{196}

Of course, basic to the Islamist discourse is the rejection of the West and the conviction that “freedom” enjoyed by Western women are among the key factors in the moral and ethical disintegration of Western societies. Thus, the early platform of the Muslim Brotherhood in Egypt denounced the Western model for women as exploitative, based on the commercialization of sex and the sale of products designed to display the female body.\textsuperscript{197} Therefore, they urge that by shunning and rejecting such myths and carefully defining the appropriate roles for women, as well as the appropriate ways for them to dress, they will be able to insure that Muslim societies do not fall into that same kind of degradation. The

\textsuperscript{195} Valentine M. Moghadam, Rhetorics and Rights of Identity, in Islamist Movements, Journal of World History 4, 244 (1993).


\textsuperscript{197} See, e.g., Leila Ahamd, Women and Gender in Islam, 194 (1992).
new Islamist society, then, is one in which the role of women and the importance of the family are understood to be divinely prescribed, thus providing a bastion against the kind of anarchy that is seen to characterize Western society. Islamist believe that by balancing roles and responsibilities, women’s interests are protected.

The need to control women has always been an important part of male success in most African societies,⁰⁸ Egypt included. In Muslim Egypt, under the stipulations in Islamic law, traditional Egyptian gender roles place women and men in separate societal spheres. Egyptian society confines women to the private, domestic sphere and demand that they produce children and care for the family.⁰⁹ This has been termed the “domestication” or “housewification” of women. In contrast, it allows men to emerge into the public realm with the expectation that they will provide economic support for the family. The division of women and men into separate spheres perpetuates the subordination of women by ensuring that women remain dependent on their male counterparts for economic support.⁰²

Islamic leaders continue to advocate the traditional gender roles, citing passages of the Shari‘ah, which indicate that innate differences exist between men and women.⁰³ They claim that these differences influence both the sexual needs and the mental abilities of women and

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¹⁹ Abdur Rahman I. Doi, *Woman in Shar’ah* (Islamic Law) 11 (1989), where he states that according to Islam, in the private realm of the family, the husband must act as the leader, and the wife must attend to the household.
²² See id. p. 85.
First, women and men are biologically different. Women menstruate and later experience menopause, while men maintain their virility throughout their lives. In addition, women are emotional nurturers, while men are rational and thus more capable of making decisions. Certainly, belief in these differences has resulted in a gender-based division of labor in Islamic Society.

However, today, a significant number of women, who feel less constrained by the cultural norms imposed by Egyptian society, have broken out of these traditional roles. However, others have not been able to overcome these barriers as easily. One reason for this difference is that the less affluent women believe they must adhere to traditional gender norms in order to protect the reputations of their families. But again, over the past two decades, economic hardship has forced many of the latter type women into the public work force. Unfortunately, traditional gender roles prevent them from competing in the public realm on equal footing with men. First, women generally receive less education than men do. As a result of that, they are forced to labor in less satisfying and often menial positions. In addition to that, women must balance their responsibilities in the private realm with those in

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204 Id. p. 258.
205 Id.
208 Id. p. 60-62.
209 Id.
210 MacLeod, supra, note 101 p. 90.
211 I define the private realm as the home and the public realm as everything outside of the home.
the public realm. Men to the contrary, do not have to carry a similar double burden. Consequently, as long as Egyptian society perpetuates the traditional gender roles, Egyptian women will remain unable to achieve equality with Egyptian men.

The following chapter addresses some changes that occurred with regards to the status of women as a result of international political and legal influences. Such influences fall within the framework of modernization as conceptualized in this study. The impact of international organizations will form the basis of analysis.

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213 MacLeod, supra, note 101 p. 90-91.
214 Id.
CHAPTER VI

THE INTERNATIONAL LEGAL FRAMEWORK ON WOMEN’S ISSUES: ITS IMPACT ON EGYPT

Many gender-specific human rights violations are grounded in cultural and religious practices. Women’s rights activists in a number of national settings have stressed the need to transform religious law and practices, not only as a means of ending gender-based restrictions on specific human rights, but also as an essential step toward dismantling systematic gender equality. Indeed, the most comprehensive challenges mounted by states to the international norms guaranteeing women’s rights, and their application, have been couched as defenses of religious liberty. States like Egypt that implement religious law (to a certain degree), and believers themselves, have contended that many practices that violate women’s rights are manifestations of the freedom of religion or belief therein, and as such are entitled to protection under international law.

As we shall see, in the absence of international consensus as to the standing of a particular right within a normative hierarchy, as is the case with a number of gender-specific rights, attempts to resolve conflicts between competing human rights values will present serious philosophical, legal and political difficulties. We will examine how conflicts between women’s human rights and religious rights set tenets of equality against value of liberty. Thus,

in view of Egypt, I shall examine some of the human rights conventions that have somehow assisted or impacted on Egypt’s policies with regards to the development of Egyptian women. For instance, due to international pressures, with regards to the egregious common practice in Egypt of Female Genital Mutilation (FGM), Egypt’s Supreme Administrative Court, contrary to the wishes of Muslim extremists who consider the practice a religious order, has now banned it.

(A) The United Nations and the Universal Declaration:

Almost all states are members of the United Nations and are thus bound by the minimum standards set by the Charter. The call for women’s liberty and equality appears in the preamble of the Charter, alongside the promotion of peace, security and tolerance among nations. Clearly, the preamble makes no reference to religion. Rather, the underlying premise is that the dignity of each human being and equal rights among humans (and specifically between men and women) are of paramount importance. Furthermore, in article 56, all members “pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purpose set forth in article 55,” specifically, the promotion of “universal respect for, and observance of, human rights and fundamental

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216 The practice involves cutting off part or the entire clitoris allegedly because this makes the woman “cleaner.” But feminist and human rights activists say that their recent studies proved that at least 95 percent of Egypt’s women had been circumcised to suppress women’s sexual feelings. 12/28/97, Deutsche Presse-Agentur (DCHPA), Sunday, Dec. 28, 1997.

217 As of December 31, 1995, 185 states were parties to the U.N. Charter. See Multilateral Treaties Deposited with the Secretary-General: Status as of 31 December 1997, at 3-10, U.N. Doc. ST/LEG/SER.E/17, U.N. Sales No. E.96.V.5 (1996) [hereinafter Multilateral Treaties]. Basic Charter norms are also considered applicable to non-member states because these norms have entered into customary law.

218 The preamble “reaffirms faith in fundamental rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations at large and small…” U.N. Charter 1.0.

219 U.N. Charter Art. 56.
freedoms for all without distinction as to race, sex, language, or religion” as guaranteed by article 55(C).220

Obviously, there are some religions that have traditionally promoted, or even required, differentiated roles for women and men. This separation of gender spheres is detrimental to women’s equality. In Islamic countries like Egypt, the concept of women’s human rights is somewhat different from the idea of women’s human rights as developed in the West after World War II and as set forth in international covenants such as the United Nations Charter and the International Bill of Human Rights.221 The International Community created the United Nations Charter in response to the German atrocities in the 1930s and 1940s.222 The purpose of creating the United Nations was to avoid future world wars, reaffirm the fundamental dignity and equality of human persons, promote social progress and tolerance and unite the strength of members to maintain international peace.223 Thus, the preamble of the United Nations Charter recognizes fundamental human rights,224 the inherent dignity of all persons,225 and equal rights of women and men.226

The U.N General Assembly reaffirmed and expanded on the principal of individual human rights in subsequent documents such as the 1948 Universal Declaration of Human

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222 See Centre for Philosophy and Public Policy, Human Rights and U.S. Foreign Policy 15 (1979), explaining that the U.N Charter developed out of experience of World War II.
223 U.N. Charter pmbll.
224 Id. stating goal “to reaffirm faith in fundamental human rights…”
225 Id. reaffirming “the dignity and worth of the human person…”
226 Id. “We the peoples of the United Nations determined…to reaffirm faith in…the equal rights of men and women…”
Rights (UDHR), which identifies human rights as the right to “life, liberty, and the security of person,” the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). This combination of the UN Charter, the UDHR and the succeeding UN Covenants, ICCPR and ICESCR, brought the rights of individual persons to the forefront of international law.

As to the general prohibition of gender discrimination, and the companion principal of gender equality, they are grounded in the U.N Charter itself. They are also clearly reiterated in the UDHR as well as in the International Covenant on Human Rights, elaborated further in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Also available are other international conventions like the 1960 United Nations Education, Scientific and Cultural Organization (UNESCO), Convention Against Discrimination in Education, which, no doubt, is especially relevant to the aims of my study.

Since women’s rights first entered the agenda of the United Nations, there has been a running tension between the expression and codification of those rights and the right to freedom of religion. Thus far, this has resulted in an uneasy relationship between UN instruments regarding religious rights and UN instruments on women’s rights. The Charter requires that race, sex and religious discrimination be treated equally and disallows any

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228 Id. Art. 3.
231 See, supra, note 223 p. 15, stating that human rights now has foothold in international affairs.
religious law being the source for international rights. Analyzing religious fundamentalist laws under the United Nations Charter\(^\text{234}\) and The Universal Declaration of Human Rights,\(^\text{235}\) the Charter is the foundational treaty for international law and provides a paradigm for the analysis of the conflicts within international human rights laws raised by religious fundamentalist laws. Clearly, the text of the Charter itself states that the entitlement to human rights is not to be determined by any religious law and that race, sex and religious discrimination must be treated equally.\(^\text{236}\)

(B) The International Covenant on Civil and Political Rights (ICCPR):

The ICCPR recognizes as legally binding treaty obligations several rights, which may be especially significant to women, such as guarantees against torture, cruel, inhuman or degrading treatment or punishment,\(^\text{237}\) freedom from slavery and servitude,\(^\text{238}\) and equality before the law.\(^\text{239}\) Hence, as declared by the Human Rights Committee\(^\text{240}\) (hereinafter referred to as HRC), equal and effective protection against discrimination is an autonomous right. The HRC also extended protection against discrimination to include all human rights, civil, political, economic, social and cultural. Thereby, a broad range of social rights and social

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\(^{237}\) ICCPR, supra, note 230 Art. 7.

\(^{238}\) Id. Art. 8.

\(^{239}\) Id. Art. 14 and 26.

\(^{240}\) Human Rights Committee, General Comment No. 23 (50) (art.27), Doc. CCPR/C/21/Rev. 1/Add. 5 (1994). One important addition made in this document not made in the Universal Declaration is the undertaking by states not to deny members of ethnic, religious or linguistic minorities the right, “in community with other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language.” Covenant on Civil and Political Rights, art. 27. Article 27 inspired the Declaration on the Rights of Persons Belonging to National or Ethnic Religious and Linguistic Minorities, adopted by the United Nations in 1992.
policies has been brought into the realm of litigation if discrimination is at issue. This is particularly an important improvement because economic and social rights were until recently considered to be unenforceable by court action in many states, inclusive of Egypt. Of particular significance to Muslim women, however, are the provisions relating to marriage and participation in public affairs. Not only is there a right to marry freely and with full consent, but also a requirement on the States Parties to take appropriate steps to ensure equality of rights and responsibilities of spouses to marriage, during and at its dissolution.\textsuperscript{241} Additionally, every citizen (of a State Party), has the right and the opportunity, without any distinctions on grounds such as sex, to take part in the conduct of public affairs; this includes the right to vote and to be elected, and to have access, on general terms of equality, to public service in his (or her) country.\textsuperscript{242}

In Egypt, according to their 1971 Constitution, the Egyptian woman and the Egyptian man have equal rights without distinction. Moreover, the law requires that all citizens entitled to exercise political rights, whether male or female, enroll themselves in the electoral register. However, according to census figures for 1986, while the electorate was twenty-two million, only ten million males and 3.8 million females were actually enrolled.\textsuperscript{243} Similarly, in 1986, there were thirty-seven female members of Parliament, representing 6.4\% of the members of Parliament, of whom thirty were elected for the women’s seats, four elected outright, and three appointed. By 1990, after the Supreme Constitutional Court issued a judgment canceling the women’s allocated seats as contrary to the principle of equality, the representation of women

\textsuperscript{241} \textit{Id.} Art. 23.
\textsuperscript{242} \textit{Id.} Art. 25.
\textsuperscript{243} Central Agency for General Mobilization and Statistics (CAMPAS) (1986).
in Parliament decreased to seven elected and three appointed female members.\textsuperscript{244} These figures show that women's participation in political life, whether as voters or candidates, is not commensurate with their numerical weight in society, where they constitute slightly less than fifty percent of the population.\textsuperscript{245} Sometimes, this is as a result of the general political climate, which at times does not encourage political participation of men or women, as well as the weakness of the existing political parties and other institutions in civil society.\textsuperscript{246} It may also be attributed to several changes in the laws governing elections, which were implemented during the period from 1983 to 1990 as a result of claims that proportionate elections were unconstitutional. In effect, women's principal responsibility is to the family, and women are only permitted to occupy leadership positions to the extent these responsibilities are met.\textsuperscript{247}

(C) The International Convention on Economic, Social and Cultural Rights (ICESCR):

The rights enunciated in the ICESCR\textsuperscript{248}, which appear to be of special relevance to women, include the right to freely choose or accept work under just and favorable conditions, especially in relation to equal remuneration for work of equal value and equal opportunity to be promoted on no consideration other than seniority and competence.\textsuperscript{249} Also especially significant to women is the recognition of the widest possible protection and assistance to the family. Marriage must be entered into with the free consent of the intending spouses.\textsuperscript{250}

\textsuperscript{244} See Mona Zulficar, \textit{The Egyptian Woman in a Changing World} (1981).

\textsuperscript{245} Mona Zulficar, \textit{From Human Rights to Program Reality: Vienna, Cairo and Beijing in Perspective} 44 Am. U. L. Rev. 1017, 1033 (1995).

\textsuperscript{246} \textit{Id}.

\textsuperscript{247} \textit{Id}.

\textsuperscript{248} ICESCR, supra, note 231.

\textsuperscript{249} \textit{Id}. Arts. 6 and 7. The obligation under article 7 (c) to ensure equal opportunity to employment promotion "subject to no consideration other than seniority or competence," may create difficulties for adopting policies of affirmative action in favor of women, e.g., to compensate for previous discrimination. This however, is a premature concern for Muslim women who are struggling to establish basic legal equality.

\textsuperscript{250} \textit{Id}. Art. 10 (1).
Moreover, this Covenant provides for special protection to mothers during a reasonable period before and after childbirth when working mothers should be accorded paid leave or leave with adequate social security benefits. This provision, however, has not been well met in Egypt because of gender bias traditions. For example, under the Egyptian Labor Law, the laws affirm the principle of equality with respect to the right to work without discrimination between men and women. Also, under Articles 10 and 11 of the Constitution impose on the State obligations both to protect mothers and children and to reconcile women’s duties towards their families with their work in society. The Labor law specifically provides for equal treatment between men and women, while giving women the protection required under international conventions with respect to dangerous jobs, night work, and maternity leave. However, in practice, the implementation of these laws shows that, to a great extent, equality has not been achieved. Figures show that women in Egypt are still a minority of the workforce and that there is room for improvement of the working opportunities available to them. Moreover, women in the informal sector do not enjoy any legal protection of social security, as they are unpaid workers who have absolutely no rights under the law.

Regarding education, the Covenant did not specifically address women, it merely recognizes the right of everyone to education, in view that education is the key to the full development of the human personality and the sense of its dignity, which in turn may

251 Id. Art. 10 (2).
254 Mona Zulficar, Women and Population, Paper Presented at the American University of Cairo Symposium, the NGO Forum of the ICPD, Cairo (Sept. 5, 1994). It should also be note that some fields of work, such as the judiciary, are still closed to women, while their presence in others, such as defence and police work, are only symbolic.
255 ICESCR, supra, note 231, Art. 13 (1).
strengthen the respect for human rights and fundamental freedoms. Under the Covenant, the States Parties are obliged to achieve compulsory primary education, available and free to all citizens. This of course, includes women as citizens of the State Party. It then goes on to state that Secondary and Higher education, in its different forms, including technical and vocational education, must be made available and accessible to all by every proper means. Moreover, it asks State Parties to develop and improve a system of schools at all levels, including the material conditions of teaching staff. Since Egypt is a party to this Covenant, then the above requirements makes it incumbent upon Egyptian officials to adhere accordingly. Thus, they ought to provide and improve education facilities for women equally as they do for men.

The general human rights instruments, namely the ICCPR and ICESCR, generally give more precise treaty formulation for the principles of the UDHR, thereby making them legally binding on the States Parties. Both Covenants entail the fundamental principle of non-discrimination on grounds such as sex, in relation to any of the rights enunciated or recognized therein. So far, the ICCPR has been ratified by eleven Muslim countries, Egypt included, whereas, the ICESCR has been ratified by twelve Muslim countries, again Egypt included.

256 Id.
257 Id. Art. 13 (2)(a).
258 Id. Art. 13 (2)(b) and (2)(c).
259 ICCPR, supra, note 230 p. 52; ICESCR, supra, note 231 p. 490.
260 ICCPR, Art. 2 (1); ICESCR, Art. 2 (2).
262 Id. p. 403.
(D) United Nations Education, Scientific and Cultural Organization (UNESCO):

Most of the rights of women covered by the above general instruments are also provided for in specialized instruments of the International Labor Organization (ILO) and other international Conventions. The 1960 UNESCO Convention against Discrimination in Education is one of them.

Human rights are clearly and increasingly defined by one word only: empowerment. For women, the process of empowerment entails breaking away from the cycle of learned and taught submission to discrimination, carried on from one generation to the other. Thus, the issue of education in the human rights phenomenon goes beyond inequalities in access to formal education for women; it necessitates addressing the orientation contents and impact of education on women. On this, the human rights argumentation regularly runs counter to the current situation, which is itself based on centuries of discrimination against women, as can be clearly seen in the case of Egypt.

From all of the aforementioned, it can be said that requirements for the elimination of gender discrimination are often at variance with religious norms and cultural practices, thus with societal norms. It is said, many of these requirements interfere in the family life and sometimes lack the support of the very women they aim to benefit. For instance, in the case of Egypt, apart from the shared problematic area of the right of married women, there was a

\[265\] Id.
\[266\] Id.
\[267\] Id.
\[268\] Id.
widespread disagreement with the right of the woman ‘to equal inheritance with the man’: yet, 52% of Egyptians rejected this, women included. 269

Women’s education began with heated controversies about women’s right to education, and clearly, the battle has been won. In the World Declaration on Education for All, it states: “The most urgent priority is to ensure access to, and improve the quality of education for girls and women, and to remove every obstacle that hampers their active participation.” 270

However, having said this, in many cases, a country may pass adequate laws to correspond strictly to the relevant international human rights documents, as does Egypt, but implementation is still deficient. The following example demonstrates several reasons for inadequate enforcement, which results from such cultural clashes.

According to Article 18 of the 1971 Egyptian Constitution, education is a right ensured by the State and is compulsory at the primary level. 271 The Constitution does not make any distinction between Egyptian boys and girls with respect to this right; in fact, it provides for de jure equality in every respect. However, when one looks at the figures, there is a significant difference between the percentage of educated men and educated women. A number of illustrations demonstrate this disparity. 272

According to the figures published by the Central Agency for General Mobilization and Statistics (CAMPAS), in 1986, 49.4% of Egyptians were illiterate. The percentage of illiteracy among women, however, was 62.5%, as compared to 37.4% among men. This data also shows the percentage of female students enrolled in primary education in urban areas is 95%, while

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270 The World Declaration on Education for All, Jomtien, Thailand, 1990, art. 3 (3).
272 Mona Zulficar, supra, note 245 p. 1032.
it drops to 78% in the villages of the Delta, and down to 65% in the villages of Upper Egypt.

In more remote areas, it falls down further to 57%.\textsuperscript{273}

This, thus, clearly indicates that the principle of equality, confirmed by the Egyptian Constitution and law, is not implemented, and that there is \textit{de facto} discrimination against women and girls in education.\textsuperscript{274} It seems that the reality is largely due to traditions that do not encourage the education of girls, who are considered better suited for household chores or working in the fields.\textsuperscript{275}

\textbf{(C) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):}

The most comprehensive and important specialized instrument is the 1979 Convention on the Elimination of All Forms of Discrimination against Women.\textsuperscript{276} Its adoption in 1979 was considered a high point of the UN Decade for women (1976-1985). The genesis of the Convention lies with the 1967 Declaration on the Elimination of Discrimination Against Women,\textsuperscript{277} which was taken up by the Commission on the status of Women in 1974 as a starting point to the drafting of a binding treaty.\textsuperscript{278}

From the outset, CEDAW obligates State Parties to “condemn discrimination against women in all its forms.” Article 2 obliges State Parties to eliminate all forms of discrimination against women by such means as the repeal of discriminatory legislation, the passage of

\textsuperscript{273} See N. Remzi, Research Paper for the NGO Forum on Socio-Economic Inequality (June 1994).

\textsuperscript{274} Mona Zulficar, \textit{supra}, note 245.

\textsuperscript{275} Early marriage of Egyptian girls, particularly in rural areas, is another reason for the low percentage of enrollment of girls in primary schools. Compulsory primary education for all Egyptian children at the age of six is also not enforced by the Government.


\textsuperscript{277} G.A. Res. 2263 (XXII) (1967).

legislation prohibiting discrimination, and the establishment of legal protections in national tribunals and other public institutions. Article 3 obligates State Parties to “take all appropriate measures including legislation to ensure the full development and advancement of women on a basis of equality with men.”

Article 24, echoing these earlier provisions, requires States Parties to “adopt all necessary measures” to fully realize the rights recognized in CEDAW. Taken together, these three articles are the prime movers of CEDAW. They obligate States to act to effective changes that will legally and practically advance women’s equality and affirmatively change women’s lives to be better. States are said to violate their collective obligations under Article 23 and 24, if by legislation, judicial pronouncement or custom, they perpetuate or fail to redress gender inequality.

Conventions like CEDAW, with an explicit and ongoing monitoring mechanism, engender reservations by States concerned that they will be answerable to an international group that may include one of their own representatives. Hence, States Parties make reservations to narrow the scope of their obligations and blunt criticism of their CEDAW progress reports. To this end, rather than clearly defining their CEDAW obligations, many reserving states have entered reservations that cloud the scope of their commitment. Notably, it is largely Muslim countries that have entered the ‘most explicit and all

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279 CEDAW, Art. 2.
280 Id. Art. 3.
281 Id. Art. 24.
283 Id.
encompassing reservations' to the Convention based on their adherence to Islamic law, characterize objections to these reservations as anti-Islamic.\footnote{Katarina Tomasevski, supra, note 105 p. 119.}

Egypt comprising of 91.1% of Muslims\footnote{Abdullahi An-Na’im, The Rights of Women and International Law in the Muslim Context, Symposium on Women’s Rights in International Law, 9 Whittier L. Rev. 491, fn. 84, (1987).} ratified the Convention in 1981, with objections or reservations to Article 2, articulating the commitment to eradicate discrimination; to Article 9, delineating equal citizenship rights; and Article 16, containing provisions for the elimination of discrimination in marriage and the family.\footnote{Report of the Committee on the Elimination of Discrimination Against Women, Vol. II, 3rd. Sess., U.N. Doc. A/39/45, p. 118 (1984).} But Egypt has entered no reservation to Article 10 of the Convention, which is on equality in education. Egypt’s representative to CEDAW, explaining his country’s reservations, stated that Islamic law had already “liberated women from any form of discrimination.”\footnote{Id. Paras. 215-216.}

However, Egypt has adopted other provisions of the Convention that contradict Islamic law. This inconsistency seems to be due to the fact that while Shari’a is the law of personal status for Muslims in Egypt, which would make the country’s obligation under Article 16 inconsistent with an unchangeable aspect of its current law, other aspects of Egyptian law are also not currently based on Shari’a.\footnote{An-Na’im, supra, note 66 p. 513.} Professor An-Na’im relies on the above reasoning to indicate that Egypt’s reservations are not an indication that it does not take its international obligations seriously.\footnote{Id.} “Egypt,” he states, “would not have bothered to enter a reservation to Article 16 if it had no intention to comply with the Convention.”\footnote{Id.} However, such

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\end{quote}
reservations do provide a country with a legal basis for avoiding CEDAW obligations, which would not otherwise exist absent a reservation.

Egypt’s reservation to Article 2 may indicate a reluctance to abide by its obligations under CEDAW. Clearly, Article 2 provides that parties to the Convention shall generally combat discrimination by taking specific legislative action. In essence, it delineates the means by which States Parties obligate themselves to implement the Convention’s other provisions. With regards to Article 2, Egypt states: “The Arab Republic of Egypt is willing to comply with the contents of this Article, provided that such compliance does not run counter to the Islamic Shari’a.” Thus, even though Egypt did not submit reservations to every provision of the Convention that conflicts with Islamic law, Egypt’s reservation to Article 2 exempts it from abiding by any obligation or duty that does not contradict with Islamic law. This, in my opinion, is incompatible with the object and purpose of the Women’s Convention.

With reference to Egypt’s reservation to Article 9 (2), which insures that children in Egypt carry only their father’s nationality, “in order to prevent a child’s acquisition of two nationalities since this may be prejudicial to his future,” Egypt also defended its law. And on its reservation to Article 16, regarding women’s equality in marriage and family law was on the basis that the Shari’a guarantees some sort of “complimentarity” of rights between men and women. In Egypt’s view, an advantage that women enjoy in certain aspects of marriage, like lack of financial obligation to support themselves or their families are balanced against advantages men possess, such as superior rights to divorce. One scholar has termed this a

294 Id. at 11.
295 Id.
296 Id.
“separate but equal” approach to women’s rights under which a “just balance” of separate rights is equivalent to equal rights. Furthermore, Egypt’s periodic report, required by CEDAW, ignores the actual situation of Egyptian Women’s lives. As documented by CEDAW, Egypt’s representative, when asked about how Islamic law affected Egypt’s reservation to Article 16 of the Convention, explained “Islamic law had given a prominent position to all women and liberated them from any form of discrimination. Except for certain rights and responsibilities during marriage and its dissolution, Islamic law had given to women all the necessary rights even before the ratification of the Convention.” In essence, Egypt’s position is that no additional rights are necessary for women other than those already provided under the Shari’a.

However, Article 23 of the Women’s Convention does permit States to apply provisions of their own legislation, which may be “more conducive to the achievement of equality between men and women.” Indirectly, Egypt invokes that provision by asserting that “equivalency” and “complimentarity” of rights and duties “guarantee true equality”.

In sum, at best, States appear divided over the acceptability of broad reservations of the kind entered in by Egypt to this Convention. At worst, there is an apparent tacit consensus that imprecise reservations are tolerable, requiring no discussion or clarification. Indeed, the results of CEDAW’s review process this far only support the notion that examination,
discussion or assessment of the exact nature of obligations agreed to and rejected is beyond the purview of CEDAW.\(^0\) Therefore, all parties to the Convention are pressured to act in good faith in carrying out the object and purpose of CEDAW, applying also to reservations.\(^3\)

Perhaps, in the context of CEDAW reservations, good faith, at the very least, demands that reserving States submit a detailed explanation of how the Shari’a conceivably conflicts with CEDAW provisions. This step will not necessarily resolve the friction between religious rights and women’s rights, nevertheless, pushing countries to outline in greater detail where CEDAW and religious norms differ, may encourage a more focused dialogue, as opposed to presently simmering recriminations.

Now the question remains, how would the adoption of Shari’a as the sole, or even the main source of legislation affect rights of women in Egypt or elsewhere in the Muslim World? If Shari’a is to be applied strictly, no law, policy or practice will be allowed to stand if it is perceived to contradict Islamic law. However, this is an unlikely possibility, even in a country like Egypt. Article 2 of the Egyptian Constitution of 1971 used to state “Islamic jurisprudence is a principle source of legislation.” An amendment to the Constitution then took place in 1980, which changed that last part of the clause to make Shari’a ‘the’ principle source of legislation.\(^4\)

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\(^0\) Id. Many States view examination and discussion of differences in interpretations of treaty obligations to be outside the function of treaty law.

\(^3\) Art. 26 of the Vienna Convention on the Law of Treaties, 23 May, 1969, 115 U.N.T.S. 331, states “every treaty in force is binding upon the parties to it and must be performed by them in good faith.” Treaties in force, by extension, include the reservation of States Parties.

Hence, even if the whole legal system was not transformed overtime through this constitutional mandate, it is not unlikely that the rights of women may suffer some regression to bring Egyptian law and practice into greater conformity with Islamic law, international obligations notwithstanding.

In conclusion, it is worth noting that over the past few decades, Egyptian men have begun to accept the emergence of Egyptian women into the public realms of education, employment and politics. However, throughout this period, men have maintained control over the sexuality of women and prevented women from achieving gender equality in the Egyptian society. Therefore, to empower women, Egypt must eliminate traditional gender roles and allow its women to take control of their own bodies as they the men do with theirs. Egypt must also eliminate the personal status and criminal laws, which support the traditional gender roles and sexual standards. In addition, Egypt must educate its women. The dissemination of information will provide women with an awareness of their new rights and an economic independence from their husbands. Finally, to prevent Egypt’s male-dominated society from retaliating further against women, Egypt must not make sweeping law reforms but instead should make reforms more gradually by persuading religious leaders that such changes are consistent with the Islamic doctrine. As President Mubarak indicated, Egyptian society will accept social reform more willingly if its members believe that Islamic leaders have endorsed the reforms.
CHAPTER VII

CONCLUSION

When Egypt achieved its independence in a real sense following the coup of 1952, its leaders aspired to make it a self-respecting modern state. They were not clear however, how to achieve this objective. Their policies, actions and statements in the following decades have shown very confused thinking. To be fair to these leaders however, it must be said here that the problems and issues, which they inherited, were of gigantic proportions. These were further compounded by the lack of a clear direction from the Egyptian intellectuals in the preceding several decades, going back, in fact, to more than a century ago when attempts to modernize the Egyptian society were first made.

Knowing the appeal of Islam to the masses, the state has merely used it as a tool to legitimize its policies and to seek legitimacy for the government. Indeed, the larger more pressing issue, the reform of the traditional practices and orientations, which are labeled as Islamic, have not been touched by the state as if they do not exist. Islam’s effect is so deep that it affects such matters as manual and technical professions, which are looked down upon, particularly, as it relates to women. Such policies or practices no doubt affect all aspects of life particularly since religious leaders and many Muslim scholars never tire of stating, to the point of boasting, without realizing the ill effects that they generate by such doings or sayings.

While the Egyptian modernist intellectuals have to a considerable degree, censured the prevalent Islamic orientations, attitudes and practices in the society, they have not gone beyond
so as to work out a system of religious thought which would be applicable to the present times. Their thought has oscillated between modernism and traditionalism with no clear direction for further development.

As far as the religious leaders are concerned, given their intellectual background, orientations and attitudes, it cannot be expected of them to bring about such changes in the prevalent religious thought and practices which would move the society from the stagnant situation in which it has existed for centuries.

Additionally, the state has so far been content with haphazard efforts to increase literacy in the population. The state’s objective in the educational sphere, on which the whole structure of the society rests, has been very limited. It is not surprising, therefore, that the results have also been very limited. In sum, “the transformation of the society from a state of underdevelopment to a state of development must begin with change in the very substructures that give rise to the prevailing mentality.”

In Egypt, a major problem has been for the elite. To them:

‘Appropriate’ development does not involve transforming the existing social structures or changing the prevailing mentality and culture. On the contrary, it attempts to contain the effects of transfer of selected western technology. Social cultural and political innovations are rejected. This way, the process of development becomes restrictive, selective, adaptive, partial, slow, and compartmentalized. Essentially, this version of development promotes conditions

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of dependency, social class disparities, repression, elitism, and alienation. The whole society, in fact, is relegated to historical marginality.\textsuperscript{306}

It follows that religious circles in Egypt have continuously argued that in Islam, religion and state are one united system. Their idea of this unity is to politicize Islam and to use it as a powerful weapon to attack the establishment and to keep it thoroughly confused. They are able to achieve this because of widespread ideas about Islam which are not only naïve but un-Islamic. For the society to develop in any meaningful way it is crucial to address this issue; and the only way towards this end is through a reformed and modern system of education. As things are, it will be a long process and a long time before the Egyptian society can be modernized. The beginnings of that process have yet to be made. So far, Islam has been understood and used in Egypt, both at the popular and official level, as a sport; and the arena for it has been both domestic and international politics.\textsuperscript{307}

Moreover, during the past few years, Egyptians have begun to be aware of their poor social condition, their faces show the pain of it, and they have recognized the urgent need for improvement. Their leaders appeared one after the other; supporting ideas that they believed will guide the country toward the path of success. One calls for work and activity, another for harmony, unity, and the elimination of all sources of disagreement, a third for patriotism and self-sacrifice, while a fourth calls for adherence to religious teachings, and so on. But these leaders have neglected a very important point, namely that without women’s involvement, it will be impossible to bring about any change in society. If women gain an understanding of

\textsuperscript{306} Id. p. 173.
the meaning of these causes, and if they identify with them or are committed to them, they will be able to bring up their children in the best way possible, in the mold of human perfection.

No social condition can be changed unless education and upbringing are directed toward that change. In bringing about any kind of reform, it is not enough to identify the need for change, to order its implementation through governmental decrees, to lecture about it, to invite people to address it, or to write about it in journals and books. None of these efforts can change a country or society, warn it of its predicament, or transform its life: any change is a result of the totality of its virtues, characteristics, moral qualities, and customs, which are not inherent in people but are acquired through upbringing, that is to say, through women.

A number of theories and approaches have been forwarded to explain the changing roles and status of Egyptian women, and it is to these that I now turn to assess the impact of modernization on the status of the Egyptian woman. Although I wrote my study here, within a theoretical framework that recognized and acknowledged the intricate relationship between modernization and the changing socioeconomic and political status of women, I did not exclude the theoretical implications of Marxism and the feminist theory. Most of my analysis corroborates the positive impact of modernization on the status of Egyptian women albeit the resultant increases in societal decadence and general impropriety among men and women. Ironically, disenchantment with the ideals of modernization has pricked women activists to dismiss it as a facade for further subjugation, and, is therefore calling for “retraditionalization” of women’s roles. But is retraditionalization the answer to the lower status of women in Egypt? There are certainly alternatives as can be seen in Chapters II and III of my thesis. Throughout, I had alluded to socialism and its contributions to feminist transformation. The
solutions prescribed have contributed only marginally in solving the problem. In the following analysis I present policy suggestions to women and governments on how to ameliorate the status of the Egyptian woman.

(i) **Adopt Alternative Paths to Modernization**

In trying to modernize Egypt, the government has the responsibility to adopt only those western ideas and values that will compromise positive autochthonous values of Egyptian people. Wholesale acceptance of values preferred by the West can be dysfunctional to development. I am particularly critical of the Western thought of women emancipation, which, among other things, almost lampoons what is locally acceptable to the people as normal practice.

(ii) **Islam As Panacea**

Related to the preceding point is the notion of Islam as the solution to the woman problem. Most Westerners view Islam as a custodian of patriarchy and therefore attribute the problems of women in Muslim countries to the doctrines of Islam. It is not my duty in this study to preach Islam to the reader. However, my strong conviction dwells in Islam’s unequal and singular prescription to the gender problems of society. Indubitably, Islam has exalted the position of the woman and has dignified her to a status in society not seen anywhere else. The concept of dignity differs from one society to another. It is not my intention to romanticize this concept but to emphasize that the dignity and status of the Egyptian woman is found in her belief in Islam and what will guarantee the exclusion of all forms of social ills in the society, including prostitution, rape, homosexuality, armed robbery, and racism.
The above concept of dignity for the Egyptian woman was echoed by Huda Sharawi in her speech to the Ninth Congress of the International Women’s Suffrage Alliance; she elaborated two themes: first, that the position of women in Pharaonic times, when Egypt was at the height of its glory, was equal to that of men and that it was only when the country fell under foreign domination that Egyptian women lost these rights. Second, that Islam too, had granted women equal rights with men, but with the passing of time and through the misinterpretation of the Qur’an, women have been usurped of their lawful status with men.

Agreeably, certain attitudes towards women, prevalent in the Muslim World today are humiliating. Inspire of the liberating spirit of Islam, Muslim practices today often oppress women and deny them the equality and human dignity granted in the Qur’an. My research has shown that oppressive interpretations of the Qur’an are influenced mostly by cultural practices and values, which regard women as inferior and subordinate to men. It is not Islam that oppresses women, but human beings with all their weaknesses that have failed to understand God’s (Allah) intentions. Islamic religious thought as contained in the Quran, is a powerful productive force, which, so far, Muslim societies have not realized and utilized.

It will be a liberating experience for women to return to the Qur’an and study its actual words in an attempt to understand the true meaning. The Qur’an teaches love and mercy between men and women...that “be you male or female, you are members of one another (Qur’an, 3:195). It is this spirit of equality and justices so insistently enjoined by the Qur’an that will guide women’s efforts to liberate themselves and not modernization, Marxism or Western feminism. I am a strong proponent of equality for women, but only when appreciable local customs, beliefs and value systems of the indigenous condition it.
Perhaps, some western thinkers, in reading this, may label me a traditionalist or conservationist; but what is wrong with a tradition that engenders peace, love and social cohesion? What is wrong with a tradition that controls society from raping each other? Yes, mundane laws are there to “protect” us, but God’s law will remain preponderant over all other laws. This is not specifically with the divine laws of Islam, but other religions like Christianity as well. In my case, I am a strong believer in the teachings of Islam as a panacea to gender-development paradigm.

(iii) Economic Program for Women

It is important that the government of Egypt recognize the adverse effects of IMF structural adjustment policies on women’s development. In this regard, the government should develop programs that will alleviate the problems of women, who would usually suffer the greatest brunt of such policies. A program similar to Ghana’s PAMSCAD, but specifically formulated to deal with women’s economic problems would be appropriate.

(iv) Other Recommendations

(a) The government of Egypt should provide credit facilities to women, especially rural women, to improve on their economic independence.

(b) The government should also provide facilities and incentives for adult education, as currently, only twenty-seven percent of female adults are educated.

(c) Additionally, to provide social change in the attitudes of men towards women, and the attitude of women toward themselves has to change as well. The government has to exert a special effort to educate boys and girls from early childhood to a faith in fundamental human rights. Through education, the government could direct
public opinion toward the eradication of prejudice and the abolition of customs and practices, which reinforce the idea of inferiority of women. What I will like to emphasize is that, well-conceived education molds the personality of the individual in a way that is beyond the effect of legislation.

Therefore, given the way Islam is understood by the mass of Muslim populations, including the elite (barring some outstanding exceptions, of course), it is a serious mistake to think that Muslim societies are developing; a recognition of this fact needs to be made by the societies concerned before they can begin to develop. A few changes here and there, in literacy, in the Gross National Product (GNP), or installation of some industrial units do not amount to much, for the underlying structures and world views of the societies basically remain unchanged.
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