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The American University in Cairo

School of Global Affairs and Public Policy

**THE BASHA'S TOOLS? IMAGINING ALTERNATIVE JUSTICE
FUTURES IN EGYPT**

A Thesis Submitted to the

Department of Law

**in partial fulfillment of the requirements for
the LL.M. Degree in International and Comparative Law**

By

Farah Ghazal

January 2021

The American University in Cairo
School of Global Affairs and Public Policy

THE BASHA'S TOOLS? IMAGINING ALTERNATIVE JUSTICE FUTURES IN
EGYPT

A Thesis Submitted by

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to the Department of Law

January 2021

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THE BASHA'S TOOLS? IMAGINING ALTERNATIVE JUSTICE FUTURES IN
EGYPT

Farah Ghazal

Supervised by Professor Mai Taha

ABSTRACT

The dominant approach to addressing violence against women in Egypt today is carceral, or relying on the punitive instruments of the state to achieve justice (most visibly represented by the prison and police). While carceral responses are perhaps unsurprisingly advocated by state feminism, they are also promoted by what would typically be described as anti-state actors. This paradoxical entanglement takes place during what I identify as the 'carceral moment', a period marked by the intensification of political and social repression and during which incarceration appears more readily available as a solution to remedy perceived problems of governance. I argue that, in this moment, carceral sensibilities dominate among anti-state activism, which often criticizes state violations, such as the conditions under which (mostly political) detainees are held, but fails to demonstrate similar opposition to the prison as such. This project is therefore an attempt to understand the history, extent and context of this limitation, which is understood to be an effect of what is globally known as carceral feminism (CF), or law-and-order feminism. I argue that, alongside CF, perpetual states of emergency imposed in Egypt have also had severe repercussions on its current feminist imaginary, resulting in minor concessions granted by the carceral state being perceived as victories and rendering its carcerality secondary. The United States-specific nature of the prison abolitionist feminist tradition – the leading source of opposition to carceral feminism – is also analyzed. Focusing primarily on the lack of space for thought about alternative approaches to justice rather than locating manifestations of CF in Egypt, this thesis makes the case for orienting the contemporary feminist imaginary away from carceral currents and towards alternative approaches to justice.

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I. Introduction

In 2019, Egyptian lawyer and activist Malek Adly published a post on Facebook praising police lieutenant Hossam El-Ashmawy for following up with a sexual harassment incident targeting Adly's friend and fellow lawyer and activist, Asmaa Naiem.¹ The incident was not reported; El-Ashmawy decided to proceed with investigations after allegedly reading Naiem's testimony of it, also on Facebook. El-Ashmawy is widely believed to have been involved in the shooting of April 6 Youth Movement activist Sayed Wezza (in addition to other protestors) in 2013.² When this fact was brought to his attention in the comments section by uneasy friends and fellow activists, Adly chose not to retract his praise, arguing that the allegations against El-Ashmawy did not negate this positive encounter he had with him.³

Adly's position illustrates how the resort to carceral approaches to address violence against women is paradoxically promoted by what would typically be described as anti-state actors in Egypt. This entanglement takes place during what I call a carceral moment, marked by an ongoing and arbitrary policy by the Egyptian state in which incarceration appears more readily available as a solution to remedy perceived political and social problems. While critics have pointed out the arbitrariness of arrests and denounced the conditions under which (mostly political) detainees are held, there remains a notable absence of opposition to the prison as such. That is, carceral sensibilities continue to dominate among anti-state activism, and activists continue to draw on tools of the state to achieve justice. This project is an attempt to understand how and why this is the case.

To that end, the continued resort of local feminist activism today to state-sanctioned methods of justice for violence against women is understood as an effect of what is known globally as carceral feminism, in which a 'feminism-as-crime-control' model prevails over

¹ Malek Adly via *Facebook* (2019). Accessed October 1, 2019
<https://www.facebook.com/malek.adly.39/posts/818181058637138>

² Amira El-Fekki, *Mass Trial for Revolutionary Activists Adjourned to 7 December*, Daily News Egypt, November 7, 2015 <https://www.dailynewssegypt.com/2015/11/07/mass-trial-for-revolutionary-activists-adjourned-to-7-december/>

³ Malek Adly via *Facebook* (2019). Accessed October 1, 2019
<https://www.facebook.com/malek.adly.39/posts/818778215244089>

an earlier focus on economic justice and liberation.⁴ Coinciding with the rise of neoliberalism, this model has gained its global status through a process of ‘NGOization’, with the help of international UN agencies and conferences.⁵

In the following, I argue that, alongside NGOization, the perpetual state of emergency imposed in Egypt has severely impacted the current feminist imaginary, resulting in concessions given rarely and randomly by the carceral state being perceived as victories and rendering its carcerality secondary. In so doing, I focus on highlighting the absence of room for thought about alternative approaches to justice rather than locating manifestations of carceral feminism in Egypt. Finally, I shed light on the importance of orienting the feminist imaginary away from carceral currents and towards alternative approaches to justice.

Towards these goals, the first chapter of the thesis locates features of the contemporary carceral moment in Egypt, which is marked by an intensification of political and social repression, and increased absence of due process and other violations of prisoner rights, such as access to adequate food, clothing or healthcare. Chapter two discusses the marked absence of criticism of the prison as such, despite evident frustration directed at issues such as torture or other violations of (often political) prisoner rights. The chapter explores some of the ways in which the women’s movement in Egypt finds itself in paradoxical entanglements with the carceral politics of the state in its advocacy. Chapter three investigates further the reasons for the prevalence of carceral sensibilities among activist circles, attributing them to the inherently American nature of the abolitionist framework as well as the absence of alternatives under the perpetual state of emergency imposed across the country. The final chapter is an attempt at tackling the challenging task of envisioning alternative justice approaches to violence against women. Grassroots feminist collective Operation Anti-Sexual Harassment (OpAntiSH) and other initiatives are brought together and analyzed as attempts towards alternative justice approaches.

⁴ Elizabeth Bernstein, *Carceral Politics as Gender Justice? The ‘Traffic in Women’ and Neoliberal Circuits of Crime, Sex, and Rights*, 41 *Theory Soc* 233–259, 235 (2007).

⁵ Islah Jad, *NGO-ization of Arab Women’s Movements*, 35 *Inst Dev Stud Bull* 34-42 (2003).

II. Mapping the Carceral

This chapter serves to provide some background into Egypt's carceral moment⁶— a moment in which incarceration is increasingly employed by the State as a method to respond to perceived ailments of society in general, whether they are political in nature or not. In what follows, I identify two key features of this moment: first, accelerated and widespread political and social repression, and second, a related retreat of due process in the legal system.

The first feature refers to a broad range of activities undertaken by the State, whereby all and any forms of group affiliation (much less mobilization) are identified as a security threat to be eliminated through incarceration. It is likely that this can be traced back to its origin point taking place in August of 2013, on the day of the military and police-led dispersal of the sit-in organized by supporters of then-President Mohamed Morsi protesting his removal from office – the event which later came to be known as the Raba'a Massacre.⁷ What followed was a massive crackdown on Muslim Brotherhood leaders, members, and non-affiliated sympathizers, in the form of mass arrests, military-court ordered death sentences, and even casual harassment of bearded men,⁸ kicking off what is now a 7-year war on terror.⁹ Mohamed Morsi, the Muslim Brotherhood, and Islamists in general, represent an obvious and historical threat to the current State apparatus, with the rivalry between the two groups dating back to the Nasser regime.¹⁰ To the State, such clear

⁶ In which 'punitive orientations', as theorized by Ruby Tapia, prevail: 'the carceral state, operating through punitive orientations, functions as an obstacle and a substitute for humane solutions to social problems': *What is the Carceral State?*, Documenting Criminalization and Confinement (May 15, 2020) <https://storymaps.arcgis.com/stories/7ab5f5c3fbca46c38f0b2496bcaa5ab0>.

⁷ An estimated number of 800+ protesters are believed to have died in the process of evacuation: *Egyptian Interior Minister Says Rabaa Will be Remembered for Police Martyrs*, Ahram Online (Aug. 8, 2014) <http://english.ahram.org.eg/NewsContent/1/64/108684/Egypt/Politics-/Egyptian-interior-minister-says-Rabaa-will-be-reme.aspx>.

⁸ Maged Abouel Dahab, *Egypt's Fear of the Beard*, Middle East Monitor (June 23, 2015) <https://www.middleeasteye.net/features/egypts-fear-beard>.

⁹ Ahmed Abou Zeid, *Egypt's Necessary War on Terror*, Egypt MFA Blog (Oct. 26, 2016) <https://mfaegypt.org/2016/10/26/egypts-necessary-war-on-terror/>.

¹⁰ Nicola Pratt & Dina Rezk, *Securitizing the Muslim Brotherhood: State Violence and Authoritarianism in Egypt After the Arab Spring*, 50 Secur Dialogue 239 (2019).

political rivalry expands to constitute a solid *raison d'être*,¹¹ and warrants the elimination – primarily through incarceration – of Islamists as major opponents.¹²

Still, other historically (relatively) influential groups have also been targets of the State, albeit less viciously. The Egyptian Medical Syndicate, commonly referred to as the Doctors Syndicate, is one such group. The Doctors Syndicate, as well as the Lawyers and Journalists Syndicates, is relevant because of its potential for political activity, evidenced by the role it played in organizing different forms of antigovernment protests in the past.¹³ In July 2020, at least 8 doctors were detained after speaking out online against the government's response and lack of adequate equipment with respect to the COVID-19 pandemic.¹⁴ After prime minister Mustafa Madbouly criticized the performance of doctors following an increase in patient deaths and accused them of negligence, the treasurer of the Syndicate, Mohamed El-Fawal called for their release via Facebook, only to be detained himself as well.¹⁵

For the Syndicate, members have lost whatever little power was afforded to them by virtue of the 'professional' nature of their work, and the association as a whole appears to have lost the power it once had to mobilize or influence its members. Historically, syndicates are understood to function as 'official' labour unions, and are tasked first and foremost with advancing the status and privileges of their members in society.¹⁶ And yet, whether it is because of the doctors criticizing state performance or offering obituaries to political rivals, they are, to some extent, perceived and therefore treated (imprisoned) as political

¹¹ Amy Hawthorne and Ashraf El Sherif, *A Dangerous Deterioration: Egypt Under al-Sisi*, Project on Middle East Democracy (June 21, 2017) <https://pomed.org/a-dangerous-deterioration-egypt-under-al-sisi-a-conversation-with-dr-ashraf-el-sherif/>: "...al-Sisi's legitimacy, originally based on grandiose promises of delivering full security and economic growth, has narrowed to fear-mongering against the despised Brotherhood, fighting terrorism, and preventing chaos."

¹² Pratt & Rezk, *supra* note 10, at 239.

¹³ Mona Abaza, *Cairo: Restoration? And the Limits of Street Politics*, 20 *Space Cult* 170 (2017) https://journals-sagepub-com.libproxy.aucegypt.edu/doi/full/10.1177/1206331217697137?utm_source=summon&utm_medium=discovery-provider.

¹⁴ Owen Dyer, *Covid-19: At Least Eight Doctors in Egypt Arrested for Criticising Government Response*, *The BMJ* (July 15, 2020) <https://www.bmj.com/content/370/bmj.m2850>.

¹⁵ *Id.*

¹⁶ Robert Springborg, *Professional Syndicates in Egyptian Politics, 1952-1970*, 9 *Int J Middle East Stud* 275 (1978).

actors acting in potential opposition to the State – not entirely different from the Muslim Brotherhood.

But incarceration is also used as an automatic response to perceived threats to the State *not* emanating from political expression. In other words, punitive measures are taken against both dissenters and non-dissenters alike, from well-known anti-State activists to social media sensations. For example, since April 2020, at least 9 young women online content creators across the country have been arrested by the authorities on charges of violating ‘family values’ on the popular social media application, TikTok. Mawada al-Adham, Haneen Hossam, as well as three other unnamed defendants were sentenced to two years in prison in addition to a fine of LE300,000 on these charges.¹⁷

As currently articulated in chapter III of law No. 175/2018, titled ‘Crimes Related to Invasion of Privacy and Illegal Content of Law’, family values are not defined.¹⁸ It is therefore difficult to identify what exactly constitutes family values or what constitutes their violation, since there is no existing criteria or framework for doing so.¹⁹ It is perhaps worth mentioning that Mawada, Haneen, and others facing the same charges are not politically active women: the majority of their activities online consists of (naturally) apolitical dance challenges or other entertainment content.

Some activists have highlighted the fact that all the women arrested come from specific class backgrounds (working and middle class): ‘In the case of Mawada and Haneen, there

¹⁷ *How Family Values are Used Against Women: Q&A with Lobna Darwish*, Mada Masr (Aug. 4, 2020) <https://www.madamasr.com/en/2020/08/04/feature/politics/how-family-values-are-used-against-women-qa-with-lobna-darwish/>.

¹⁸ Article 25: ‘A penalty of imprisonment for a period of no less than six months and a fine of not less than fifty thousand pounds and not exceeding one hundred thousand pounds, or one of these two penalties, shall be inflicted on whoever violates any of the principles or values of the family in the Egyptian society, violates the sanctity of private life or sends heavily From electronic messages to a specific person without his consent, or granting personal data to a system or website to promote goods or services without his consent, or publishing through the information network or by any means of information technology information, news, pictures and the like, violating the privacy of any person without his consent Whether the information published is correct or incorrect.’

¹⁹ *How Family Values are Used Against Women: Q&A with Lobna Darwish*, Mada Masr (Aug. 4, 2020) <https://www.madamasr.com/en/2020/08/04/feature/politics/how-family-values-are-used-against-women-qa-with-lobna-darwish/>.

was a state of incitement during the investigation and the phrase “profiting from the internet” was repeated a lot as an accusation. This goes back to the general monitoring and ambushing of any content by women on the internet, which is always linked to their class position’.²⁰ Perhaps more interestingly, researcher Dina Wahba noted that cases similar to the TikTok girls’ are not unheard of; complaints were lodged against TV entertainment figures such as belly-dancers or actresses in the past, but by individual citizens.²¹ This time around, the case against the TikTok girls was pursued independently by the State.²² This marks a shift in the approach taken by the State to remedy perceived social problems, in which incarceration appears more readily available and implemented as a solution.

As noted earlier, political and social repression in the country takes place alongside an increased absence of due process. That is, the most basic of rights for those arrested or detained are continuously and randomly violated. To illustrate this, one could look at the events of September 2019, in which small waves of unorganized anti-government protests took place across the country, in what is thought to be the result of a call to action by exiled former military contractor, Mohamed Ali.²³ The demonstrations, estimated to be in the mere hundreds, were quickly and violently dispersed by security forces.²⁴ In the following, the aftermath of the protests is analyzed as one manifestation of the ongoing absence of due process.

On the night of the protests in Cairo, heavy security presence surrounded Tahrir Square, with several police cars positioning themselves in the area. Crowds began to form

²⁰ Basil El-Dabh, *Egypt’s TikTok Crackdown and “Family Values”*, Tahrir Institute for Middle East Policy (Aug. 13, 2020) <https://timep.org/commentary/analysis/egypts-tiktok-crackdown-and-family-values/>.

²¹ DW News interview with Dina Wahba, via *Facebook* <https://www.facebook.com/deutschewellenews/videos/232044767877260>.

²² For example, lawyers Amro Abdelsalam and Samir Sabri (notorious for taking celebrities to court over similar complaints) lodged the 2018 case against well-established actress Rania Youssef accusing her of inciting debauchery for wearing a see-through dress at a red-carpet event. Youssef was never arrested, nor made to pay a fine: *Egyptian Actress to Face Trial for Wearing Inappropriate Dress*, AFP (Dec. 2, 2018) <https://english.alarabiya.net/en/life-style/entertainment/2018/12/02/Egyptian-actress-to-face-trial-for-wearing-inappropriate-dress->.

²³ *Heavy Security Clampdown on Anti-Sisi Protests as State Mobilizes Supporters to Rally*, Mada Masr (Sept. 27, 2019) <https://www.madamasr.com/en/2019/09/27/news/politics/ongoing-coverage-of-september-27-protests-in-egypt/>.

²⁴ *Id.*

following the conclusion of a football match between popular local clubs, El-Ahly and Zamalek. The suppression of the highly unorganized protests, taking the form of violent and random arrests of both protesters and non-participating bystanders, happened quickly, before the crowds could even begin to formulate intelligible chants typical of anti-government demonstrations. The use of rubber and live bullets to disperse crowds was recorded in the governorate of Suez.²⁵

The wave of arrests did not come to an end that night. Instead, a massive, nationwide crackdown ensued. The following Friday, Downtown Cairo was effectively on lock-down, with all roads leading to the Square from neighboring areas blocked by security forces.²⁶ In the week between, it was estimated that 1,500 people were arrested and held in pre-trial detention facing no particular charges.²⁷ Security checkpoints were set up across the country, in which regular cell-phone inspections by the police became the new norm.²⁸ Inactive political figures who did not participate in the call for protests were arrested from their homes, including academics such as Khaled Dawoud and Hassan Nafea.²⁹ Activist Mahienour El-Massry was kidnapped by plainclothes police outside the Supreme State Security Prosecution after attending investigations with those arrested on the night of the protests in her capacity as a defense lawyer.³⁰ All three remain in pre-trial detention at the time of writing. Overall, an estimated four thousand people, activists as well as non-

²⁵ *Protesters and Police Clash in Egypt for Second Day Running*, AFP (Sept. 22, 2019)

<https://www.theguardian.com/world/2019/sep/22/protesters-and-police-clash-in-egypt-for-second-day-running>.

²⁶ *Heavy Security Clampdown on Anti-Sisi Protests as State Mobilizes Supporters to Rally*, Mada Masr (Sept. 27, 2019) <https://www.madamasr.com/en/2019/09/27/news/politics/ongoing-coverage-of-september-27-protests-in-egypt/>.

²⁷ *Id.*

²⁸ Jared Malsin & Amira El Fekki, *Egypt Curbs Online Dissent With Street Searches: 'He Asked to See My Phone'* (Oct. 7, 2019) <https://www.wsj.com/articles/egypt-curbs-online-dissent-with-street-searches-he-asked-to-see-my-phone-11570440602>.

²⁹ Ruth Michaelson, *Egyptian Authorities Threaten to 'Decisively Confront' Protesters*, The Guardian (Sept. 26, 2019) <https://www.theguardian.com/world/2019/sep/26/over-1900-arrested-as-egypt-braces-for-more-protests>.

³⁰ *Lawyer Mahienour al-Massry Arrested and Karama Party Leader Appears Before Supreme State Security Prosecution After Forced Disappearance*, Mada Masr (Sept. 22, 2019)

<https://www.madamasr.com/en/2019/09/22/news/politics/lawyer-mahienour-al-massry-arrested-and-karama-party-leader-appears-before-supreme-state-security-prosecution-after-forced-disappearance/>.

activists, were arrested in the aftermath of the 20th of September, bringing the total population of political prisoners to an estimated sixty thousand people.³¹

The aftermath has been described in the media as the worst wave of repression since the dispersal of Raba'a.³² Yet what stands out is not so much the number of those arrested as it is the conditions under which they are held. For example, among those arrested is activist Alaa Abdelfattah, who had, at the time, just completed a five-year sentence he had received in 2015 for 'organizing a political protest without requesting authorization'.³³ Alaa was detained from Dokki police station, where he was required to sign in daily from 6 p.m. to 6 a.m. for an additional five years in compliance with the terms of his probation.³⁴ While attending investigations at the State Prosecution in his capacity as Alaa's lawyer, Mohamed El-Baqer was also arrested.

At the time of writing, Alaa remains in pre-trial detention in Tora Maximum Security prison, where authorities – under the pretense of implementing regulations to curb the spread of COVID-19 – have routinely denied his family the right to visit him or to exchange letters.³⁵ On June 22nd, 2020 Alaa's sisters and mother were spending the night in front of Tora prison in protest of these violations when they were attacked by a mob of plainclothes women (police officers were present but did not intervene in the incident).³⁶ While waiting to file a complaint with the public prosecutor's office documenting the incident, Sanaa Seif, Alaa's younger sister, was abducted in a minivan and later appeared in the State Prosecution. She is currently being held in pre-trial detention on charges of spreading false news and rumours via her social media accounts for the purposes of

³¹ Michaelson, *supra* note 29.

³² *Egypt: Largest Wave of Mass Arrests Since President Abdel Fattah Al-Sisi Came to Power*, Amnesty International (October 2, 2019) <https://www.amnesty.org/en/latest/news/2019/10/egypt-largest-wave-of-mass-arrests-since-president-abdel-fattah-al-sisi-came-to-power/>.

³³ *Egyptian Activist Alaa Abdel Fattah Released from Jail After Five Years*, BBC (Mar. 29, 2019) <https://www.bbc.com/news/world-middle-east-47746481>.

³⁴ *Id.*

³⁵ *Egypt Prisoner Alaa Abdelfattah's Family Beaten Outside Tora Prison*, Middle East Monitor (June 22, 2020) <https://www.middleeastmonitor.com/20200622-egypt-prisoner-alaa-abdelfattahs-family-beaten-outside-tora-prison/>.

³⁶ *Egyptian Activist Sanaa Seif Arrested After Alleged Assault Outside Tora Prison*, Egyptian Streets (June 24, 2020) <https://egyptianstreets.com/2020/06/24/egyptian-activist-sanaa-seif-arrested-after-alleged-assault-outside-tora-prison/>.

‘stirring public opinion against state institutions’ and ‘disturbing security and peace and disrupting the institutions of the state from their work’.³⁷

It is important that the arbitrariness of the ongoing incarceration frenzy be understood and situated in its authoritarian context. In saying this, the intention is not to claim that prisons are ‘normal’ anywhere, but to point out the extent to which uncertainty and abuse feature heavily in Egyptian prisons, in a way that is perhaps unmatched in other, non-authoritarian contexts. Visits and other forms of communication with detainees is oftentimes prohibited, resulting in families going weeks and months without hearing from or even about their imprisoned relatives.³⁸ Families are also denied the right to deposit money, medicine, or food for inmates. On the other side, prisoners are continually denied the right to attend investigations regarding their cases, and attorneys have limited communication with their clients. The conditions of prison itself are notoriously dangerous for being overcrowded and unsanitary, as well as lacking temperature control.³⁹ Medical negligence is rampant: in May of 2020, 24-year-old filmmaker Shady Habash, held in pre-trial detention three months beyond the legal maximum of two years, died in his cell two days after allegedly ingesting a quantity of ethyl alcohol.⁴⁰ According to a statement released by the Public Prosecution, Shady was taken to the prison clinic several times, but died before he could be moved to a hospital.⁴¹ A hunger strike protesting neglect on part of the prison administration was launched by inmates in Shady’s cell block, but quickly came to an end after the administration retaliated by revoking exercise time and other measures.⁴² Other

³⁷ *Id.*

³⁸ *Prisoners of Conscience in Egypt: No Release, No Trial, No Visits*, Arabic Network for Human Rights Information (June 30, 2020) <https://www.anhri.info/?p=17521&lang=en>.

³⁹ Heba Wanis, *Health In Egyptian Prisons: A Field Study on the Determinants of Health Behind Bars*, EIPR (17 June, 2014) https://www.eipr.org/sites/default/files/reports/pdf/health_in_prison_e.pdf.

⁴⁰ Hadeer El-Mahdawy, *Shady Habash’s Slow Death*, Mada Masr (May 7, 2020) <https://www.madamasr.com/en/2020/05/07/feature/politics/shady-habashs-slow-death/>.

⁴¹ *Id.*

⁴² *Id.*

cases of fatal medical negligence include former President Mohamed Morsi⁴³ and politician and former Muslim Brotherhood leader Essam El-Erian.⁴⁴

It is perhaps useful to note here that the above notes about prison conditions and the extent to which abuse is featured within and around them are not intended to be brought in as exceptional circumstances without which incarceration would become an ideal justice mechanism. That is, the conditions surrounding prisons in Egypt should be viewed as central to and not exceptions to their operative role for maintaining grip of the state. As such, reforms of the prison to curb certain abuses (i.e., make the prison ‘normal’) would not reduce the extent to which they are deployed by the state to repress both political and non-political actors. It is with this understanding that leading abolitionist movements in the United States (discussed further in following sections), and in which prisoners do not grapple with abuses of the frequent and arbitrary nature described above, are wary of the undertaking of reform as a political project.⁴⁵

Other markers of repression feature alongside prison abuses, some of which are not restricted to what is typically thought of as politics. Some predate September 2019, and some appear to be part of the backlash. One example of the latter is the continued heavy police presence on the streets, the state of which never really recovered following the events of September 2019. Such presence materializes primarily in police checkpoints set up on an ad hoc basis, one of the ‘main practices through which surveillance and monitoring as a technique of management of population in space is carried out’, in which

⁴³ Ruth Michaelson, *Mohamed Morsi, Ousted President of Egypt, Dies in Court*, The Guardian (June 17, 2019) <https://www.theguardian.com/world/2019/jun/17/mohamed-morsi-dead-ousted-president-egypt-collapses-after-court-session>.

⁴⁴ Ehab Al-Taher, Secretary-General of the Doctors Syndicate, was forced to resign following pressure from the State after the Syndicate published an online obituary for El-Erian, who had previously served as the Syndicate’s treasurer: Al Masry Al Youm, *Obituary Controversy Causes Secretary General of Egypt Doctors Syndicate to Resign*, Egypt Independent (Aug. 17, 2020) <https://egyptindependent.com/obituary-controversy-causes-secretary-general-of-egypt-doctors-syndicate-to-resign/>.

⁴⁵ Mimi E. Kim, *Anti-Carceral Feminism: The Contradictions of Progress and the Possibilities of Counter-Hegemonic Struggle*, 35(3) *Affilia* 309-326, 318 (2020).

police officers arbitrarily stop and interrogate citizens about their whereabouts and other random information.⁴⁶

Other ventures of the State, mostly related to the overambitious restructuring and rebranding of Cairo, were decided long before. For example, the decision to move four sphinxes and an obelisk from the period of Ramses II from the Karnak temple in Luxor to Tahrir Square has been described by some as an attempt by the State to erase contemporary history: ‘it covers over the recent memory that is alive in the minds of many people, with something historical that has no political connotations or significance’.⁴⁷ Most recently, in July 2020, authorities demolished parts of an ancient necropolis listed by UNESCO as a World Heritage site, known as the City of the Dead, to make way for a new highway.⁴⁸ Some burial plots were cleared without families’ knowledge, much less consent.⁴⁹

Although not all of the above-mentioned measures can be grouped in the same category, they should be taken together and understood as part of a unique period of governance in the history of the country emblematic of a carceral moment, in which there is perpetual construction/destruction without restraint or regard for citizens. That is, it is becoming increasingly evident that there is no longer any kind of room for tension with anything (place) or anyone not on board with the plans of the carceral State, and nowhere to contain the latter except prison. Perhaps an awareness of this on part of the State has led to noticeable development of prison construction across the country, in terms of both the number of new buildings and their enhanced capacity and surveillance standards.⁵⁰

⁴⁶ Salwa Ismail, *Authoritarian Government, Neoliberalism and Everyday Civilities in Egypt*, 32 Third World Q 845 (2011). It should be noted that the checkpoints are not a new phenomenon. Rather, it is the increasing number of checkpoints that is unfamiliar.

⁴⁷ Ruth Michaelson, *Egyptologists Attack Transfer of Sphinxes to Tahrir Square*, The Guardian (May 7, 2020) <https://www.theguardian.com/world/2020/may/07/egyptologists-pan-transfer-of-sphinxes-to-tahrir-square>.

⁴⁸ Pariesa Young, *Graves in Egypt Relocated and Demolished to Make Space for a Highway*, (July 24, 2020) <https://observers.france24.com/en/20200724-graves-egypt-relocated-demolished-highway>.

⁴⁹ Sharif Kouddous, *City Limits of the Dead*, Mada Masr (July 21, 2020) <https://www.madamasr.com/en/2020/07/21/opinion/u/city-limits-of-the-dead/>.

⁵⁰ ANHRI, ‘There is Room for Everyone: Egypt’s Prisons Before and After the 25 of January Revolution’ 2016 <https://ahmedgamalziada.blogspot.com/2016/09/there-is-room-for-everyone-egypts.html>.

These expanding carceral practices of the State are met with as much criticism and opposition as is possible from families of those affected as well as activists across the political spectrum. A collective frustration directed at issues such as the mistreatment of prisoner rights is evident in, for example, numerous (but short-lived) social media campaigns.⁵¹ An important example is the We Record platform working to document violations committed against prisoners and cases of enforced disappearance.⁵² At the same time, whether it can be said that there is outright opposition to the prison system is difficult. This is because of a marked absence of opposition to the prison as such, with most of the criticism appearing to be exclusive to political prisoners or the conditions under which prisoners are kept.

In those (important) critiques, the idea of the prison as such is not exactly the problem; unjust imprisonment is. In this regard, other categories of ‘criminals’ are unaccounted for in the conversation about prisons. While valuable, the available critiques (why they are the only ones available will be explored in later chapters) speak to how what could be described as carceral sensibilities continue to dominate among anti-state activism, with activists continuing to draw on tools of the State as a means of achieving justice. The following chapter explores this paradoxical entanglement in the case of actors working to respond to violence against women in particular,⁵³ and questions whether it is paradoxical at all in relation to the context in which it takes place.

⁵¹ For example, the hashtag, #FreeAlaa, a global solidarity video calling for the release of his sister, Sanaa, or a petition circulating online calling for the release the TikTok women circulating on different social media platforms.

⁵² Egypt, WE RECORD, <https://werecord.org/en/egypt/>.

⁵³ In so doing, the thesis engages with the question of how ‘feminist campaigns against sexual violence have not only been coopted by, but in fact been integral ingredients to the evolution of criminal justice as an apparatus of control’: Elizabeth Bernstein, *Carceral Politics as Gender Justice? The “Traffic in Women” and Neoliberal Circuits of Crime, Sex, and Rights*, 41 *Theor Soc* 233 (2012).

III. 'Once You Win, You Are the State'⁵⁴

'Without community there is no liberation, only the most vulnerable and temporary armistice between an individual and her oppression. But community must not mean a shedding of our differences, nor the pathetic pretense that these differences do not exist. Those of us who stand outside the circle of this society's definition of acceptable women; those of us who have been forged in the crucibles of difference – those of us who are poor, who are lesbians, who are Black, who are older – know that survival is not an academic skill. It is learning how to take our differences and make them strengths. For the master's tools will never dismantle the master's house'.⁵⁵

— Audre Lorde, 1984

In her 1984 speech at the New York University Institute for the Humanities conference, Audre Lorde challenges the idea of the (racist and patriarchal) institution of the university as a source of radical change through its advocacy of 'tolerance' as a tool for genuine progress. She questions whether the tools of a racist patriarchy could be used in good faith to examine 'the fruits of that same patriarchy', and leaves her audience with the often-quoted statement, 'the master's tools will never dismantle the master's house'.⁵⁶ About ten years later, critical race scholar Trina Grillo expands on the significance of Lorde's statement in her essay, 'Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House', highlighting how sometimes, 'the governing paradigms which have structured all of our lives are so powerful that we can think we are doing progressive work, dismantling the structures of racism and other oppressions, when in fact we are reinforcing the paradigms'.⁵⁷

This chapter takes a look at some of the ways in which the women's movement in Egypt finds itself in similarly paradoxical entanglements with the carceral politics of the state in its advocacy. It explores how activists continue to draw on tools of the State as a means

⁵⁴ Kim, *supra* note 45, at 310.

⁵⁵ Audre Lorde, *The Master's Tools Will Never Dismantle the Master's House* in 'Sister Outsider: Essays and Speeches' 110-114 (Berkeley, CA: Crossing Press) 1984.

⁵⁶ *Id.*

⁵⁷ Trina Grillo, *Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House*, 10 Berkeley Women's L J 16-30, 16 (1995).

of achieving justice – identified in the chapter as an outcome of carceral feminism – despite often being on the other end of those tools themselves. First, a quick sketch of said women’s movement and what remains of it before and after the crackdowns of 2013.

A. Which Feminist Activism?

Feminist activity in Egypt is often described as having had an awakening following the 2011 uprisings, but feminist organizations had existed and were active long before then. Civil society feminism, as Hala Kamal calls it, is estimated to have taken place between the 1980s and 2011.⁵⁸ Described as the ‘third wave’ of the local feminist movement, civil society feminism was facilitated by changes in the law of association, which allowed for the establishment of a number of feminist organizations, including the New Woman Foundation, Center of Egyptian Women’s Legal Assistance (CEWLA), and Nazra for Feminist Studies.⁵⁹ These organizations were established and registered as legal entities with recognition from the government, and it was during this period that they built on work relating a number of issues, including but not limited to reproductive rights, domestic violence, and female genital mutilation (FGM).⁶⁰

Of course, the 25 January 2011 uprising did provide a brief window of time where these organizations became increasingly active. This activity was made possible after the ‘pre-Revolutionary corporatist political environment, marked by fluctuations in state repression and inclusion of oppositional forces in the political process, was temporarily disrupted by the ensuing political instability of the Revolution’.⁶¹ Sister initiatives were quickly set up, most notably Shoft Taharrush, Tahrir Bodyguard, and Operation Anti-Sexual Harassment (OpAntiSH).⁶² As one could tell from their names, these initiatives emerged out of an urgent need to respond to sexual violence experienced by women in the public sphere (where they rapidly featured more frequently in light of popular demonstrations and sit-

⁵⁸ Hala Kamal, *A Century of Egyptian Women’s Demands: The Four Waves of the Egyptian Feminist Movement*, in ‘Gender and Race Matter: Global Perspectives on Being a Woman’ 3-22, 11 *Adv in Gender Res* 21 (2016).

⁵⁹ *Id.* at 12.

⁶⁰ *Id.*

⁶¹ Angie Abdelmoneim, *Reconsidering De-politicization: HarassMap’s Bystander Approach and Creating Critical Mass to Combat Sexual Harassment in Egypt*, 13 *Égypte/Monde Arabe* 93-113, 97 (2015).

⁶² *Id.* at 98.

ins).⁶³ Perhaps owing to that specificity and urgency, these initiatives eventually ‘found it difficult to translate their work to non-Revolutionary protest settings and other forms of non-protest related activism’.⁶⁴

Today, the state of feminist activism⁶⁵ (i.e. what is allowed/what remains of it) in Egypt is what one could expect under the authoritarian context explored in the first chapter and particularly after the violent ousting of Morsi in 2013. In that context, most of these organizations were forced to gradually cease operations. What could be described as a lively and promising feminist presence in the immediate aftermath of 2011 today boils down to very few human and women’s rights organizations whose activities are limited and mostly focused on knowledge production and legal assistance.⁶⁶ Individuals leading or affiliated with said organizations continue to be targeted by the regime today. For example, in 2016, Nazra for Feminist Studies, was the target of an investigation launched by the regime accusing multiple similar NGOs (critical of the government) of ‘receiving foreign funds for activities that are a threat to national security’.⁶⁷ Mozn Hassan, the director of the center, has been banned from travelling since.⁶⁸ Similarly, CEWLA was a target of the same investigation – its founder, feminist lawyer and activist Azza Soliman, has also since been banned from travelling, with an assets freeze effective on both her and Hassan.⁶⁹ Both organizations, as well as many others, have had to cut staff and decrease activities dramatically in an effort to continue operating in the country (others, such as the Cairo Institute of Human Rights Studies, have had to relocate entirely).⁷⁰

⁶³ Kamal, *supra* note 58, at 14. Kamal notes that Egyptian women’s participation in the revolution should not be viewed as exceptional, having played a role in anti-colonial struggles during the 1919 Revolution.

⁶⁴ Angie Abdelmoneim, *Reconsidering De-politicization: HarassMap’s Bystander Approach and Creating Critical Mass to Combat Sexual Harassment in Egypt*, 13 *Égypte/Monde Arabe* 93-113, 98 (2015).

⁶⁵ Here I am referring to a broad understanding of the term which would include any social and political organizations, collectives, and other initiatives focusing on the status of women operating in the country.

⁶⁶ See, for example, the Egyptian Initiative for Personal Rights (EIPR): <https://eipr.org/en>.

⁶⁷ Nadine Naber and Dalia Abd El-Hameed, *Attacks on Feminists in Egypt: The Militarization of Public Space and Accountable Solidarity*, 42(2) *Fem Stud* 520-527, 521 (2016).

⁶⁸ *Judicial Harassment of Mozn Hassan*, Frontline Defenders (July 18, 2020) <https://www.frontlinedefenders.org/en/case/judicial-harassment-mozn-hassan>.

⁶⁹ *Civil Society Leaders Fight Travel Bans as 9-year NGO Foreign Funding Case Drags On*, Mada Masr (Sept. 15, 2019) <https://www.madamasr.com/en/2019/09/15/feature/politics/civil-society-leaders-fight-travel-bans-as-9-year-ngo-foreign-funding-case-drags-on/>.

⁷⁰ Khaled Mansour, *How to Survive Between a Rock and a Hard Place: The Experience of Human Rights Organizations in Egypt*, in ‘Rising to the Populist Challenge: A New Playbook for Human Rights’ (eds.) César Rodríguez-Garavito and Krizna Gomez 113-124, 119 (Dejusticia, 2018)

Clearly, the remaining feminist organizations or collectives have suffered greatly at the hands of the Egyptian justice system. They have experienced first-hand how incompetent and corrupt that system is. It is precisely this struggle between the surviving feminist actors and the State that makes the continued resort of the former to the latter worth examining. It should be said that other NGOs not centered around the status of women do not necessarily behave differently (and perhaps this behavior can be generalized to include the rest of society). However, the choice is made to look particularly at feminist activism because of its position as a source of radical politics. This is owed to past and present stances by feminists against the oppressive politics of the State, including police brutality and torture in prisons.⁷¹ The continued resort of remaining local feminist activism today to state-sanctioned methods of justice for violence against women can be understood as an effect of what is described as carceral feminism.

B. Carceral Feminism

Carceral feminism is a name first given by sociologist Elizabeth Bernstein in 2007 to a specific brand of feminism which pushes for law-and-order approaches to achieve gender justice.⁷² It describes a phenomenon in which mainstream feminist scholars and activists view ‘increased conviction rates and longer sentences as a political goal—or, at the very least, are willing to collaborate with police and lament cases where perpetrators of sexual violence are given “light” or non-custodial sentences’.⁷³ To explain this, Bernstein writes specifically about the way in which ‘feminism shifted in the past decades from a focus on economic justice and liberation to the model of “feminism-as-crime-control”’.⁷⁴

https://www.dejusticia.org/wp-content/uploads/2018/04/Rising-to-the-populist-challenge_1.pdf

⁷¹ This is informed by the position feminists have traditionally taken towards the State, by virtue of their political commitments: El-Nadeem Center, for example, had a long history of offering rehabilitation and support services to victims of police torture and sexual violence. It was shut down by the authorities in 2017 for ‘breaching license conditions’: <https://eipr.org/en/press/2017/02/nadeem-center-forcibly-shut-down>.

⁷² Elizabeth Bernstein, *Carceral Politics as Gender Justice? The ‘Traffic in Women’ and Neoliberal Circuits of Crime, Sex, and Rights* 41 *Theory Soc* 233–259, 235 (2007).

⁷³ Chloë Taylor, *Anti-Carceral Feminism and Sexual Assault—A Defense: A Critique of the Critique of the Critique of Carceral Feminism*, 34 *Soc Philos Today* 29–49, 29 (2018).

⁷⁴ *Id.* at 25.

This model identified by Bernstein is thought to have first emerged in the United States during the rise of neoliberalism and the waning of the welfare state during the mid-1970s, which recalibrated crime as the new ‘centerpiece of public discourse and also became a coded language for talking about race’.⁷⁵ With this recalibration and amid calls for increased intervention from the criminal justice system, gender violence was no longer viewed as the outcome of specific political and social configurations, and was instead simply defined as ‘crime’.⁷⁶ For (predominantly white) feminist activists at the time, this shift presented an opportunity for gaining legitimacy for the movement: by the 1980s and 1990s, radical feminist lawyers and activists were working with law enforcement for increased measures of criminalization with regard to violence against women (VAW).⁷⁷

This joining of arms in the legal realm should not be viewed as an isolated event but as one which is emblematic of the liberal reformism of the American radical feminist praxis at the time, sustained by a parallel shift in theory.⁷⁸ Anthropologist Susan Watkins writes of this praxis and its evolution throughout different administrations over the last three decades of the 20th century: ‘As the American economy was transformed...monetarist austerity, union-bashing, shareholder agendas, off-shored manufacturing, deregulated finance, subprime debt—mainstream feminists’ response was simply to demand a larger stake within it’.⁷⁹ This pattern was also able to find its way with the help of international financial institutions (IFIs) such as the World Bank and the International Monetary Fund (IMF), both of which accounted for liberal feminism in gender-mainstreaming and structural adjustment programs (SAPs) (most visible, for example, in the push for women-targeted microfinancing in the global South).⁸⁰

In fact, perhaps the carceral turn should be understood as a phenomenon stemming from such institutions pressuring global South governments to, as Julia Sudbury describes it,

⁷⁵ Mimi E. Kim, *From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration*, 27(3) *J Ethn Cult Divers Soc Work* 219-233, 222 (2018).

⁷⁶ *Id.*

⁷⁷ Susan Watkins, *Which Feminisms?*, 109 *New Left Rev* 5-76, 71 (2018).

⁷⁸ Amy Masson, *A Critique of Anti-Carceral Feminism*, 21(3) *J of Int Women's Stud* 64-76, 66 (2020).

⁷⁹ Susan Watkins, *Which Feminisms?*, 109 *New Left Rev* 5-76, 15 (2018).

⁸⁰ Andrea Cornwall, *Beyond ‘Empowerment Lite’: Women’s Empowerment, Neoliberal Development and Global Justice*, 52 *Cad. Pagu* (2018).

‘reign in spending on health, housing, clean water, and other basic necessities...[and] embark on a U.S.-style...law-and-order buildup’.⁸¹ She particularly looks at endeavors by the Inter-American Development Bank in the early 2000s to promote the modernization of Latin American and Caribbean justice systems. In so doing, the Bank ‘spent over \$460 million in criminal justice loans and technical assistance in 21 countries’.⁸² It is Sudbury’s analysis that ‘the Bank’s interest in justice reform is driven in part by corporate executives, who...are concerned that struggling criminal justice systems in the region, “present a major problem for their business operations”’.⁸³ Sudbury’s example of the Inter-American Development Bank should reflect nothing out of the ordinary for neoliberalism, a system that is understood to be continually ‘imposed through a hitherto unparalleled level of orchestration between multinational corporations, intergovernmental organizations, and states’.⁸⁴

Anti-carceral feminism arguments are abundant and often overlap with each other. Writing about the long history and influence of women’s groups and feminists in the United States on issues related to crime, punishment, law and order, Marie Gottschalk goes so far as to say that the ‘contemporary women’s movement in the United States helped facilitate the carceral state’.⁸⁵ Informed by Black feminism, prison abolitionists in the United States are vocal about the country’s growing prison-industrial complex and argue towards a rejection of ‘punitive, retributive and carceral logics’, as well as of the ‘idea that punishment logically follows from crime - even in cases of violent crimes against women’.⁸⁶ Similarly, Marxist critiques of carceral feminism lament how it ‘makes the mistaken assumption that the laws, police, and courts maintain sufficient autonomy from the capitalist power

⁸¹ Julia Sudbury, *A World Without Prisons: Resisting Militarism, Globalized Punishment, and Empire*, 31 Soc Justice 9-30, 14 (2004).

⁸² *Id.*

⁸³ *Id.*

⁸⁴ Zeynep Gambetti and Marcial Godoy-Anatavia, *States of (In)security: Coming to Terms with an Erratic Terrain* in *Rhetorics of Security: Belonging and Violence in the Neoliberal Era* 5 (New York: NYU Press) 2013.

⁸⁵ Marie Gottschalk, *The Prison and the Gallows* 115 (New York: Cambridge University Press) 2006.

⁸⁶ Amy Masson, *A Critique of Anti-Carceral Feminism*, 21(3) J Int Women's Stud 64-76, 66 (2020); Angela Davis, *Are Prisons Obsolete?* (Seven Stories Press) 2003.

structure to counter its deep-seated tendency to generate gender violence’, recognizing carceral feminism as closely related to corporate feminism.⁸⁷

Significantly, carceral feminism as it developed in the United States is unique: it is understood to be the result of an alliance between the state and liberal-reformed radical feminists. It cannot be generalized to even other countries in the West: Gottschalk notes how the earlier feminist movement in the UK was careful not to concede certain struggles to the state in its fight against domestic violence (mainstream feminists in the United States did not exercise the same restraint).⁸⁸ Still, the carceral turn of feminism in the 90s was hardly contained in the United States; carceral feminism ‘developed global reach by traveling the highways of international human rights advocacy’.⁸⁹ Through international NGOs, UN agencies and conferences, it spilled into other places as well.

To understand this ‘spill’, it is perhaps useful to explore what gender and development scholar Islah Jad terms ‘NGO-ization’, or how activism in Arab countries came to be determined and shaped by the phenomenon of NGO-building. She describes the historical backdrop against which this took place as linked to global schemes for development which ‘have their roots in the SAPs implemented by the World Bank and the IMF in many Third World Countries (including some of the Arab countries), from the late ‘70s through the ‘80s, typically involving a variety of reforms in monetary, fiscal, trade, regulatory policies, and public sector management’.⁹⁰ Noting the significant role played by the United States in this process, Jad writes that the ‘worldwide promotion of democracy and “civil society” discourse was closely tied to anti-communism in the Reagan years, but was given greater emphasis by George Bush senior, and then Clinton, with the end of the Cold War...Much of this is channeled through NGOs and specialist foundations, but with the increase in

⁸⁷ Cinzia Arruzza, Nancy Fraser, and Tithi Bhattacharya, ‘Feminism for the 99%: A Manifesto’ 29 (London: Verso Books) 2018.

⁸⁸ Marie Gottschalk, ‘The Prison and the Gallows’ 120-121 (New York: Cambridge University Press) 2006: ‘Hailing from a more militant tradition and having deeper ties to more radical political movements like socialism and Marxism, British feminists resisted centering their campaigns against family violence on calls for tougher sanctions, such as bringing back the whipping post for wife-beaters, that would bolster conservative interests more generally.’

⁸⁹ Aparna Polavarapu, *Global Carceral Feminism and Domestic Violence: What the West can Learn from Reconciliation in Uganda*, 42 Harv J L & Gender 301-353, 304 (2019).

⁹⁰ Islah Jad, *NGO-ization of Arab Women’s Movements*, 35 Inst Dev Stud Bull 34-42 (2003).

official funding for democracy promotion, USAID is becoming increasingly involved in such initiatives'.⁹¹ These initiatives are, naturally, influenced by the currents of feminist advocacy at home (which, as demonstrated earlier, are carceral in nature). Arundhati Roy similarly describes NGO-ization as an anaesthetizing process, which 'begins to dictate the agenda. It turns confrontation into negotiation. It depoliticizes resistance'.⁹²

Both Jad and Roy describe a phenomenon in which anti-state activism is replaced with a docile, project-oriented NGO-building process. This defeat of sorts is understood to have paved the way for new criminalizing discourses, ushered in an era of gender-specific legalist initiatives with regressive consequences, and ultimately, increased policing and incarceration. It must be noted that the process of NGO-ization and the related emergence of carceral feminism (from the Western feminist movement more broadly) is not cited here as the singular reason behind shortcomings in the political aspiration of the Egyptian feminist movement. But these shortcomings do not happen in isolation from these processes either; they happen at the 'contentious intersection of regional, subaltern and UN system forms of feminist mobilization'.⁹³ It is therefore important to refer to them in order to point out a particular sequence of events which could have played a role in shaping the contours of said movement. Consequently, what follows is not intended to be a mapping of articulations of carceral feminism in Egypt. It is instead an attempt to highlight the pervasiveness of carceral logics in Egyptian feminism, and the lack of space available for alternative possibilities.

Paul Amar writes about how the direction of UN policy consensus and the practice of its government and NGO allies moved away from war and macroeconomic development toward daily life and morality: 'we have witnessed a move in internationalist feminism toward a *public space and social deviance model* (or 'urban vice' model) concerned with enforcing access to public space, reforming public masculinities and moralizing and

⁹¹ *Id.*

⁹² Arundhati Roy, *The End of Imagination*, 335 (Chicago, Illinois: Haymarket Books) 2016.

⁹³ Paul Amar, *Turning the Gendered Politics of the Security State Inside Out?*, 13(3) *Int Fem J Politics* 299-328, 302 (2011).

desexualizing urban quality of life'.⁹⁴ Noting the protest-charged climate of the early 2000s, he explains how (anti-state) demonstrators were demonized by the state as crazed mobs of brutal men, in line with Orientalist figurations of the savage and hypermasculine 'Arab street', discursively transforming successful political demonstrations into chaotic mobs.⁹⁵

In an attempt to counter this conception of the hypermasculine Arab-street, some organizations realized that placing upper-middle class women in mass protests could play a crucial symbolic role in discrediting the 'hyper-mob' performances, which relied heavily on the 'colonial metaphors attached to the bodies of brutal working-class men'.⁹⁶ Backlash against this tactic came quickly, and from 'internationally-linked anti-harassment NGOs in Egypt who deployed a more...law enforcement-centered rescue-protection framework'.⁹⁷ To explain this framework in action, Amar describes the response by these NGOs to violent sexual attacks during Eid celebrations in 2008 (a common occurrence that often took place with the police's consent and encouragement), which largely turned a blind eye to the complicit and facilitatory state apparatus, and displaced outrage onto working-class masculinity instead.⁹⁸

To certain feminist actors, the state was capable of simultaneously performing the tasks of subjugation and liberation, without this presenting any contradiction. Highlighting the role of the Egyptian Center for Women's Rights in particular – which drew 'directly on UN gender doctrines and CEDAW institutions, funds, discourses' and was the recipient of support for its projects from international donor agencies including international NGOs and the World Bank – Amar writes that the organization demanded the passage of new laws that mandated much higher sentences (up to ten years) and higher fines for sexual harassment.⁹⁹

⁹⁴ *Id.* at 303.

⁹⁵ *Id.* at 308.

⁹⁶ *Id.* at 309.

⁹⁷ *Id.* at 310.

⁹⁸ *Id.* at 314.

⁹⁹ *Id.* at 320: 'The conviction would also be a crime that would appear on the permanent record, even that of a youth/minor.'

Amar doesn't refer directly to the term carceral feminism and doesn't have to; his analysis describes an outcome that is textbook-carceral feminism: 'once it became apparent that civil society organizations were ignoring the role of the police and the security state in the generation of sexualized violence, the interior and security establishments jumped on board and embraced the anti-harassment campaign enthusiastically'.¹⁰⁰ In a crackdown on sexual harassment in 2008, police forces arrested an estimated 400 boys in Cairo, reportedly aged between 15 and 17 years old: 'the sexual harassment controversy that had begun as a thorough critique of repressive policing and the torture of dissident women and youth had been appropriated by the security state and NGO establishment as justification for extending police brutality, mass arrests, social cleansing of the city and the necessity of the emergency decree'.¹⁰¹

By sparing the state's encouragement (and often use) of sexual violence of any criticism, the ECWR capitalizes, whether wittingly or not, on the moment, and instead demands 'increased interventions by the brutal security state to protect women in public'.¹⁰² The counterproductivity of this carceral approach is captured in Mariz Tadros's view that 'while socially motivated and politically motivated sexual harassment may be distinct aspects of sexual harassment, they are similar, overlapping, and mutually reinforcing expressions of discriminatory gendered norms that disadvantage women in the public space'.¹⁰³ Entanglements such as this one are captured in the work of Mimi Kim, in which she writes about the paradoxical way in which social movement victors could be transformed into unwitting agents of the state. She quotes critical legal theorists Wendy Brown and Janet Halley when she notes, 'once you win, you *are* the state'.¹⁰⁴

¹⁰⁰ *Id.* at 319.

¹⁰¹ *Id.*

¹⁰² Angie Abdelmoneim, *Reconsidering De-politicization: HarassMap's Bystander Approach and Creating Critical Mass to Combat Sexual Harassment in Egypt*, 13 *Égypte/Monde Arabe* 93-113, 96 (2015).

¹⁰³ Mariz Tadros, *Reclaiming the Streets for Women's Dignity: Effective Initiatives in the Struggle against Gender-Based Violence in between Egypt's Two Revolutions*, IDS Evidence Report 48, Brighton: IDS (2014).

¹⁰⁴ Kim, *supra* note 45, at 310.

An avoidance of this dilemma altogether can be observed in the not-so-subtly carceral campaign, *al-mutaharrish mujrim* (the harasser is a criminal). *Al-mutaharrish mujrim* was launched in 2015 by crowd-mapping platform HarassMap, one of the anti-sexual harassment initiatives founded in the days preceding the 2011 uprising. The media campaign, which included TV commercials, was premised on the idea of bystander intervention. Angie Abdelmonem analyzes the framing of the campaign, writing about how it ‘conveys a neoliberal vision of the possibilities for effecting individual self-discipline to produce new subjective and intersubjective responses to sexual harassment’,¹⁰⁵ and arguing that it contains both carceral and anti-carceral currents in its rhetoric.

A total of three commercials are described by Abdelmonem in detail: ‘In the first campaign commercial, a narrator reads the text of the new sexual harassment law, Article 306 established by presidential decree in 2014, against the image of a handcuffed man sitting in a police van, while a red police light flashes and a siren sounds in the background. Commercial two shows bystanders watching while a woman is harassed after entering a city bus. A man stands close and fondles the edge of her hijab before she turns to stare the harasser down. A narrator notes the frequency of sexual harassment on transportation and how no one intervenes to stop it. The video ends with bystanders watching police take away the harasser’.¹⁰⁶

¹⁰⁵ Angie Abdelmonem, *Disciplining Bystanders: (Anti)Carcerality, Ethics, and the Docile Subject in HarassMap’s “The Harasser is a Criminal” Media Campaign in Egypt*, *Fem Media Stud* 1-16, 12 (2020).

¹⁰⁶ *Id.* at 8.



Source: HarassMap, YouTube channel (2015)¹⁰⁷

Although, earlier on in the argument, it is acknowledged as a concern that bystander intervention ‘reproduces penal power by expanding surveillance, where bystanders are responsible for reporting to police or authority figures’, the conclusion remains that the campaign has a dual nature of being anti-carceral (‘in its focus on reshaping community norms and practice as the solution to Egypt’s sexual harassment problem’) and also carceral (‘in its reliance on the law and threat of arrest to mobilize people to act’).¹⁰⁸ This dualism is presumably owed to the campaign’s lack of emphasis on the resort to police power, aiming instead to ‘cultivate new ethical dispositions’. But the cultivation of said ethical dispositions is still carried out through carceral means: Abdelmonem notes that the end-goal is for bystanders to police their own behavior, linking this to ‘neoliberal efforts at creating a new kind of citizen’.¹⁰⁹ Yet, even if the objective is to advocate self-policing, the visible and recurrent threat of arrest and prison utilized by the campaign are explicitly carceral in nature.

¹⁰⁷ Screenshot of *al-mutaharrish mujrim* video campaign, showing the character of the harasser being taken away in the back of a police car. The words on the screen read, ‘harassment is [an offense/crime] punishable by imprisonment’.

¹⁰⁸ *Id.* at 12.

¹⁰⁹ *Id.* at 10.

Despite its skepticism towards the police enforcement and state reform, HarassMap still ‘operates within a transnational framework shaped by decades of governance feminist activism, in which reforming state/legal institutions to criminalize sexual violence and prosecute offenders is essential for local human rights implementation’.¹¹⁰ Although aware of the police as a source of sexual harassment, by choosing to (visually, symbolically) include the police in its campaign, HarassMap chooses to avoid this paradox altogether, with the objective of achieving bottom-up change in police and state practices.

To quickly revisit Malek Adly’s Facebook story from earlier: if the ECWR did not, as Amar puts it, connect the dots (between sexual harassment and the state’s policy of assaulting women) and HarassMap avoids the dots altogether (by choosing to disengage from the question of the efficacy of a law-and-order approach), Adly makes a choice to accept the dilemma anyway. El-Ashmawy’s role as both oppressor and savior creates no apparent contradiction for Adly. He later clarified in a different post that because he is a ‘lawyer and not a freedom fighter...when I witness any of the authorities doing something I hoped for, I will talk about it and thank them...in the hopes that it might trigger some progress...[these] things are not personal for me’.¹¹¹ In this incident and the posts it later generated, the idea of the master’s tools is made more complicated.

In his clarification, Adly makes repeated references to ‘current times,’ times where things are increasingly muddled, spaces are confined, and loyalties complicated – times where there seems to be no baseline, where any apparent return to the baseline should be met with gratitude. These times should be considered constitutive of what was referred to in the previous chapter as the carceral moment. Confined within this moment (sometimes literally), it is not difficult to understand what drives Egyptian feminist organizations or collectives to carceral methods of justice today, being in an unenviable position of having no alternative course of action. As mentioned earlier, this thesis is not concerned so much with pointing out manifestations of carceral feminism as it is with pointing out an absence of (space for) thought about alternative approaches to justice. For this reason, the aim of

¹¹⁰ *Id.* at 5.

¹¹¹ Quote translated to English by the author. The original post is in Arabic:
<https://www.facebook.com/malek.adly.39/posts/818778215244089>

the following chapter is to explain the cause of the absence of anti-carceral feminist thought in local activism, by looking at primarily two factors: first, the genealogy of abolition as it originates in North America, and second, the continuous state of emergency imposed in Egypt since mid-20th century.

IV. The Absence of Anti-Carceral Feminism

‘Sylvia Wynter talks about reservation—which is also an accurate name for our contemporary culture—meaning that at the same moment indigenous people are confined to reservations by the state, our imaginations are also confined. All of us. And, I would also say that the moments in which prisons became a dominant feature of the U.S., our imaginations (for all, not just those of us disproportionately imprisoned) also became imprisoned. The way we imagine work, our relationships, the future, family, everything, is locked down’.¹¹²

— Alexis Pauline Gumbs, 2017

So far, I have explored both the exceptionally arbitrary and disturbing conditions of living in the Egyptian carceral state and the way it has been unyielding in its targeting of feminist and other dissenting actors in Egypt. I have also explored some of the ways in which these surviving actors continue to rely on the carceral state to achieve justice. It is the aim of this chapter to examine the reasons behind this continued dependence. In other words, how to explain the apparent absence of alternative forms of justice in existing local feminist thought? This chapter offers a reading in which the genealogy of abolition (as it originates in North America), as well the continued state of emergency in Egypt, can help answer the question.

A. Abolitionist Feminism

It was acknowledged earlier that a major source of the critique of carceral feminism comes from the tradition of prison abolitionist feminism.¹¹³ This tradition finds its roots in the United States, and particularly in the work of Black activists and scholars struggling and theorizing against the racist and sexist carceral state. Perhaps most prominently, and throughout her life, Angela Davis has weaved together a detailed history of the American

¹¹² Quoted in Jackie Wang, *Carceral Capitalism*, 316 (Los Angeles: Semiotext(e)) 2018, from Walidah Imarisha, Alexis Pauline Gumbs, Leah Lakshmi Piepzna-Samarasinha, Adrienne Maree Brown, and Mia Mingus, *The Fictions and Futures of Transformative Justice*, The New Inquiry, 2017
<https://thenewinquiry.com/the-fictions-and-futures-of-transformative-justice/>

¹¹³ Amy Masson, *A Critique of Anti-Carceral Feminism*, 21(3) *J Int Women's Stud* 64-76, 66 (2020)

prison system (of which she herself is a survivor), from its racist origins as the slave penitentiary, to its modern-day iteration as the (global) prison-industrial complex.¹¹⁴ In the same vein, abolitionist Dylan Rodriguez understands what he describes as state regimes of criminalization (criminal justice) and incarceration in the US as seated within a ‘longer national tradition of anti-Black nation-building and racist statecraft’.¹¹⁵

More directly tackling the tensions between carceral and abolitionist feminism, Emily Thuma details the history of grassroots resistance to the carceral state in 1970s America. In her account, the politics of these grassroots movements was antithetical to the strategies deployed by the mainstream women’s movement, which primarily centered the resort to the criminal legal system as a solution to sexual and domestic violence: ‘the abolitionist feminist organizing that Thuma details fundamentally counters the logics and practices of “carceral feminism” — the strand of feminist politics contending that the best strategy for remedying sexual violence and other forms of interpersonal gender violence is through increasing punitive state power’.¹¹⁶

The demand put forward by prison abolitionists is clear: the abolition of the prison as the dominant mode of punishment for gender crimes. In it, they are joined by a number of Black and other feminist organizers and thinkers.¹¹⁷ Significantly, Davis tackles the question of what to expect after abolition – ‘if jails and prisons are to be abolished, then what will replace them?’.¹¹⁸ She reveals that there is no singular answer: ‘an abolitionist approach,’ Davis writes, ‘...would require us to imagine a constellation of alternative strategies and institutions, with the ultimate aim of removing the prison from the social and ideological landscapes of our society’.¹¹⁹ For Rodriguez, too, abolition is necessarily

¹¹⁴ Angela Davis, *Are Prisons Obsolete?* (New York, Seven Stories) 2003.

¹¹⁵ Dylan Rodríguez, *Abolition as Praxis of Human Being: A Foreword* 132 *Harv L Rev* 1575-1612, 1581 (2019).

¹¹⁶ Lydia Pelot-Hobbs, *Anti-Carceral Feminism*, *Against the Current* (Aug., 2020), <https://againstthecurrent.org/atc207/anti-carceral-feminism/>.

¹¹⁷ Jodie M. Lawston and Erica R. Meiners, *Ending Our Expertise: Feminists, Scholarship, and Prison Abolition*, 26(2) *Fem Form* 4, 1-25 (2014).

¹¹⁸ Angela Davis, *Are Prisons Obsolete?* 105 (New York, Seven Stories) 2003.

¹¹⁹ *Id.*

‘a totality of collective cultural, organizing, artistic, (self-defensive) paramilitary, educational, community-building, and decolonial practices’.¹²⁰

Similarly, Lena Palacios highlights the effort made by the grassroots organization CR10 Publications Collective to emphasize how prison abolition is ‘not simply about tearing down prison walls, but...about building alternative formations that actually protect people from violence, that crowd out the criminalization regime’.¹²¹ In fact, this focus on building the future in parallel with destruction of the carceral state is central to the abolitionist project in the US. That is, what is envisioned is not simply a world without prisons, but also ‘the construction of democratic institutions that could create substantive equality and extend the conditions for flourishing to all’.¹²² For example, Anna Terweil notes how abolitionist organizations, in critiquing carceral feminism, ‘challenge social justice movements to develop community-based responses to violence that do not rely on the criminal justice system and which have mechanisms that ensure safety and accountability for survivors of sexual and domestic violence’.¹²³ According to Terweil, these movements demonstrate how anti-carceral feminism ‘does not merely require divesting from punitive state practices,’ but rather also investing into collective governance or a reimagined welfare state.¹²⁴ In so doing, abolitionist feminism embarks on a long term project of ‘transforming communities to decrease the perceived need for prisons’.¹²⁵

What we see here is an anti-carceral feminism which could be identified as fundamentally American, inasmuch as it operates against the backdrop of a history of slavery and a globally unmatched prison industrial complex in the United States.¹²⁶ It follows that the roadmap to abolition identified by the above-mentioned activists and scholars is also

¹²⁰ Rodríguez, *supra* note 115 at 1581.

¹²¹ Lena Palacios, *Challenging Convictions: Indigenous and Black Race-Radical Feminists Theorizing the Carceral State and Abolitionist Praxis in the United States and Canada*, 15 *Meridians* 151, 137-165 (2016).

¹²² Anna Terweil, *What is Carceral Feminism?*, 48(4) *Polit Theory* 433, 421–442 (2020).

¹²³ *Id.* at 427.

¹²⁴ *Id.* at 433.

¹²⁵ *Id.* at 434.

¹²⁶ It is a commonly cited fact that ‘despite making up close to 5% of the global population, the U.S. has nearly 25% of the world’s prison population’: *Mass Incarceration*, American Civil Liberties Union (ACLU), <https://www.aclu.org/issues/smart-justice/mass-incarceration>.

American, responding to a democratic context in which movements, for the most part, are not forced to grapple with hallmarks of authoritarianism, such as the enforcement of a never-ending state of emergency. This history of prison abolition as a theory and demand is significant to acknowledge. On the theoretical level, as Sara Salem writes about the attempts to reformulate the genealogy of intersectionality, ‘claims about beginnings are claims to power’.¹²⁷ Tracing the way in which intersectionality (a concept grounded in Black feminism) found its way into more mainstream approaches to feminism, Salem shows how theory changes as it travels, demonstrating how that process can sometimes eventually ‘render the concept devoid of its original meanings’.¹²⁸ Indeed, as Salem points out, many rightly argue that intersectionality has fully experienced a process of ‘appropriation within neoliberal feminist academia’¹²⁹ – one only has to look at contemporary scholarly works which (ab)use intersectionality as a framework in connection with inherently racist and contradictory agendas.¹³⁰

At the same time, the methods used by the abolitionist movement in the United States to achieve its objectives were designed to cater to a democratic context. As I argue in the following section, these methods include, least of all, the ability to outwardly reject state mechanisms for justice. This very ability is today criminalized in Egypt, as demonstrated in earlier sections. Bearing these intricacies in mind, it becomes clear that to translate prison abolition into a different context would be a problematic and, even worse, counterproductive exercise. Instead, the goal is to stay true to the genealogy, purpose and struggle of abolition as a theory and practice. Rather than call for an ‘application’ of abolition, it is my intention to learn from the essence of the movement: the recognition that state justice produces injustice, and that a different kind of justice is possible.

¹²⁷ Sara Salem, Intersectionality and Its Discontents: Intersectionality as Traveling Theory, 25(4) Eur J Women’s Stud 407, 403–18 (2018).

¹²⁸ *Id.*

¹²⁹ *Id.* at 418.

¹³⁰ See, for example: Edna Lomsky-Feder and Orna Sasson-Levy, Serving the Army as Secretaries: Intersectionality, Multi-level Contract and Subjective Experience of Citizenship, Br J Sociol 66 (2015)

B. Intermission: Thinking through Politics of Location

First used in a speech given by Adrienne Rich in 1986, a politics of location emerged as a refusal of hegemonic understandings of feminism and a tool for deconstructing whiteness. The term has since been used in anti-imperialist and anti-racist feminist critique, and stretched to include within it different political formulations. Ritty Lukose quotes postcolonial feminist Mary John, who notes the constitutive role played by locations in ‘structuring the frames of reference within which we develop our projects...this includes our institutional and disciplinary affiliations, the milieu of intellectual debate, the ‘background practices’ and grain of everyday life’.¹³¹

For John, intellectual production ‘could be described as an interplay between what becomes a problem for thought and what is allowed to go without saying’.¹³² This interplay, she writes, is informed by one’s location: ‘the site of one’s questions and interventions, the place of accountability’.¹³³ Location, as used in this context, does not refer to identity designations such as the usual race, sex, or class, but rather ‘the context of power and knowledge that shapes the intersection of our political and intellectual projects’.¹³⁴ The following section should be read as an attempt at thinking through this paradigm, taking locality and ‘home’ as the site where politics are constituted.¹³⁵

As outlined earlier, prison abolition is a project constituted by the rejection of the (American) carceral state, rejection that is contingent on imagining and working towards building alternatives to said state – institutions which eschew the need to resort to state regimes of criminalization (to borrow Rodriguez’s terminology). Such institutions are often the result of grassroots and community efforts, and are imagined to be democratic and welfare-centered in nature. This section examines how, when the space to imagine or build alternatives to the existing system is itself subject to criminalization (which, as will

¹³¹ Ritty Lukose, *Decolonizing Feminism in the #MeToo Era*, 36(2) Cambridge J Anthro, 43, 34-52 (2018).

¹³² *Id.* at 44.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ Jane Collins, *Development Theory and the Politics of Location: An Example from North Eastern Brazil*, 8 Eur J Dev Res 56-70 (1996).

be demonstrated below, is indeed the case in the context of Egypt), resort to state machinery becomes inevitable.

Such space (or lack thereof) is the product of a robust legal architecture that is constitutive of the modern Egyptian state. It is not unrealistic to describe all the markers of repression identified in earlier chapters – the crackdown on both the political and apolitical represented in the repression of syndicates, policing of public space, and detention of TikTok influencers – as enabled and empowered by this architecture, at the heart of which we find emergency law.

C. Emergency Law

Emergency law in Egypt is a direct legacy of the British occupation from 1882 to 1952. The law was repeatedly invoked by the occupying power in times of emergency (read: political upheaval), thus allowing Britain to ‘police the country and mobilize its resources, unencumbered by political restrictions, judicial oversight or international diplomacy’.¹³⁶ Indeed, declarations of the law meant that the British could rely on emergency powers to ‘impose new taxes on the many non-British foreigners’ residing in the country at the time.¹³⁷

However, even after gaining independence in 1952, the Free Officers (under the leadership of Gamal Abdel-Nasser) continued to make use of the law, reimposing it in 1956 during the Suez War, as well as in 1958 during the brief union with Syria.¹³⁸ The 1958 emergency law in particular ‘authorizes the president to declare a state of emergency ‘whenever public security or order are threatened’.¹³⁹ As noted by Nora Taha and Assem Khalil, the law’s use of the nebulous ‘public order’ allows for virtually any situation to legitimate an invocation of the law.¹⁴⁰

¹³⁶ Yussef Auf, *The State of Emergency in Egypt: An Exception or Rule?*, Atlantic Council (2018) <https://www.atlanticcouncil.org/blogs/menasource/the-state-of-emergency-in-egypt-an-exception-or-rule/>.

¹³⁷ Sadiq Reza, *Endless Emergency: The Case of Egypt*, 10(4) *New Crim L Rev*, 535, 532-553 (2007).

¹³⁸ *Id.* at 536.

¹³⁹ *Id.* at 537.

¹⁴⁰ Nora Taha & Asem Khalil, *From Manshiya to Alexandria: Re-Examining the Process of Constitutionalizing and Normalizing the Emergency Status in Egypt*, 13(3) *J Pol & L* 215, 212-225 (2020):

This continuum between the British occupation and the Egyptian regime's use of emergency powers outlived the rule of Anwar El Sadat, Hosni Mubarak, and even the democratically-elected Mohamed Morsi, with routine renewals of the law taking place every 24 months.¹⁴¹ Mubarak would last renew the law in 2010: 'Before the January 25, 2011 Revolution, the state of emergency had already been in force since 1981 and had been renewed by the president every two years. The last decree issued by President Mubarak to reinstate the state of emergency was resolution No. 126/2010. According to this resolution, the state of emergency ended on May 31, 2012'.¹⁴²

If under Abdel-Nasser and El Sadat, emergency powers were justified by post-independence instability and war respectively; under Mubarak, by the promise of economic growth and stability; and under Morsi, by an effort to maintain political legitimacy – under El Sisi, they are perhaps justified by a hybrid of all of the above plus security. As such, under the current regime, the continuum is fortified with additional presidential powers to 'combat terrorism'.¹⁴³

The current iteration of the law also frees the president from the need to resort to (in any case, merely aesthetic) approvals from parliament, allowing him instead to issue the declaration himself.¹⁴⁴ If, under Mubarak's emergency rule, the country's judiciary had 'often provided a check on presidential exercises of emergency powers',¹⁴⁵ under El Sisi, the judiciary has been subsumed into the regime, meaning no checks or balances. It is

'[The law] allows a declaration of emergency whenever 'the security or the public order' is threatened, whether by a war or the eruption of a war, internal disturbances, public disasters, or the spread of an epidemic (Article 1)...The vagueness of such words like 'internal disturbances' or the 'eruption of a war' create [sic] a 'legitimate ground' for declaring any situation that would fit into the broadness of this term'.

¹⁴¹ *Id.* at 216.

¹⁴² Youssef Auf, *The State of Emergency in Egypt: An Exception or Rule?*, Atlantic Council (2018) <https://www.atlanticcouncil.org/blogs/menasource/the-state-of-emergency-in-egypt-an-exception-or-rule/>

¹⁴³ The presidential decree allowing for renewals of the state of emergency stipulates, 'armed forces and the police are to take the necessary measures to counter the threat of terrorism and its financing; to maintain security in the country; and to protect public and private property and the safety of citizens': International Commission of Jurists, *Egypt: A Return to a Permanent State of Emergency?* 5, (June, 2018) <https://www.icj.org/wp-content/uploads/2018/09/Egypt-Return-to-State-of-Emergency-Advocacy-Analysis-brief-2018-ENG.pdf>.

¹⁴⁴ Taha & Khalil, *supra* note 140.

¹⁴⁵ Reza, *supra* note 137.

under this ‘open air prison’¹⁴⁶ that Egyptian activists, academics, or the general population, work, think and live, and it is not something that American organizers (a term designating crime under emergency law) need to grapple with in their work towards abolition.

This is, of course, not to say that these organizers experience fewer threats or struggles in their work. There is no doubt that prison abolitionists still live in societies marked by police brutality and racism. The goal here is not to participate in the oppression Olympics – rather, it is to say that the nature of struggles is unique, as it always is. Because of this, ‘abolition’ as understood in the United States is simply unattainable under the emergency law-powered authoritarianism under which Egyptians live. This is in part due to the way in which the political goals and imaginary of these collectives are also held hostage. As Taha and Khalil point out in respect to the persistence of emergency powers, ‘[authorities] are not the only ones who get used to the new normalcy...Such normalization also carries with it a tranquilizing effect on the public’s critical approach toward emergency regimes’.¹⁴⁷

And so, as long as emergency law remains in effect (a law which forms, as demonstrated by Reza, the very foundations upon which the modern Egyptian state was built), it is simply not possible to carry out the necessary *parallel* work to abolition (as theorized from the US). This work includes the building of alternative spaces, of coalitions, of communities, and it is alongside this work that it becomes possible to begin to think about not resorting to carceral justice. That is, without first creating the conditions necessary for doing away with said justice, abolition is impossible.

To help me think through some of the ideas or themes explored in this thesis and to get a sense of what the ‘the public’s critical approach’ looked like, I set out to interview Egyptian feminist activists who, given their exposure and experience, could have grappled with questions similar to the ones posed by this research. Their conclusion was similar: without a ‘crack’ in the state’s seemingly impenetrable power, change will remain

¹⁴⁶ Ruth Michaelson, *Egypt's Open-Air Prison*, DW, (April, 2019), <https://www.dw.com/en/egypts-open-air-prison/a-48501989>.

¹⁴⁷ Taha & Khalil, *supra* note 140 at 213.

unlikely. The following chapter, with the help of three interviewees, examines conditions under which such change is possible, or had been possible in the past.

V. Beyond the Basha's Tools

'The system puts your back against the wall, so that the only way you can protect yourself and guarantee a minimum amount of safety is by using the tools created by the system, and you can only use these tools individually, because the whole system is built on preventing us from acting collectively. So an incident happens to you, because of the system, and you're left with no other choice than to use the tools of this system, not because they are the only ones that work but because the system does not allow for other ones to exist.'¹⁴⁸

– Salma El Tarzi, 2020

A. Revisiting OpAntiSH vs. HarassMap

As briefly stated earlier on, the 2011 uprising saw a number of groups form in an attempt to respond to the now infamous incidents of mass sexual assault taking place at demonstrations.¹⁴⁹ Operation Anti-Sexual Harassment (OpAntiSH) was one such group made up of activists and volunteers focused on direct intervention particularly in downtown Cairo. Their approach can be described as victim-centric, concerned with the rescue and recovery of the victims¹⁵⁰ rather than pursuing formal channels of justice. According to one former member of the group, this approach was the result of an active decision informed by the members' pre-existing 'anarchist or militant feminist politics'.¹⁵¹

This position was also certainly not one which was mainstream, but which existed at a time where debates proliferated among similar groups with respect to response mechanisms. For example, groups grappled with questions such as whether or not it should be a priority to punish the assailant(s), whether that should be done through physical or other

¹⁴⁸ Salma El Tarzi, *Things I Want to Talk About*, Mada Masr (Aug. 22, 2020),

<https://www.madamasr.com/en/2020/08/22/opinion/society/things-i-want-to-talk-about/>.

¹⁴⁹How quickly the resulting discourse surrounding the 'predatory culture of Muslim men' made rounds in international media is the subject of a number of scholarly works. See, for example: Paul Amar, *Turning the Gendered Politics of the Security State Inside Out?*, 13(3) *Int Fem J Politics* 302, 299-328, (2011); Dustin Harp, Jaime Loke & Ingrid Bachmann, *Spaces For Feminist (Re)Articulations: The blogosphere and the sexual attack on journalist Lara Logan*, (14) *Fem Media Stud* 5-21 (2014); and Maya Mikdashi, *The Marriage of Sexism and Islamophobia; Re-Making the News on Egypt*, *Jadaliyya* (Feb., 2011) <https://www.jadaliyya.com/Details/23719>.

¹⁵⁰ The choice to use the word 'victim' here is not informed by a deliberate stance on the victim/survivor debate often discussed in feminist literature. For more on the debate, see Liz Kelly, Sheila Burton and Linda Regan, *Beyond Victim or Survivor: Sexual Violence, Identity and Feminist Theory and Practice*, in 'Sexualizing the Social: Power and the Organization of Sexuality', eds. L. Adkins and V. Merchant (UK: Palgrave Macmillan) 1996.

¹⁵¹ Interview with anonymous former member of OpAntiSH via Zoom (Oct. 6, 2020).

violence,¹⁵² or whether or not it made sense in a politically volatile context to lock the assailant(s) up. Another former member of OpAntiSH recalls more pragmatic considerations taking place: ‘bringing the police into the Square’, during the height of anti-police sentiments in the revolutionary space, would have subjected the group to criticism at best and exile or violence at worst.¹⁵³

Ultimately, there is still something to say about the evident and somewhat explicitly anticarceral motivations of OpAntiSH. Members of the group actively ‘challenged the stereotypical role of security forces’, pointing out how ‘in the absence of any police restructuring or any reforms of the legal system concerning sexual violence, handing assaulters to the police and the regime – that is [itself] involved in the sexual violence acts – remains questionable’.¹⁵⁴ Contrast this political imaginary with that of the more carceral-leaning, less-ambitious HarassMap. Since 2010, the initiative has used crowdsourced data to host an interactive online platform for reporting and mapping incidents of sexual harassment across the country. This mapping process is used to reflect hotspots on the map, where incidents of sexual harassment are indicated to be higher in numbers. HarassMap’s website (at the time of writing) encourages users to report incidents using the platform: ‘the individual reports show the reality and scope of sexual harassment and assault in Egypt’.¹⁵⁵

Arguing that the platform is used to ‘produce a particular biopolitical configuration of the Egyptian street’, Nicole Grove notes how, in aggregating data about sexual violence, the map ‘creates the conditions of possibility for forms of population management’, which is accomplished through the “targeting” of dangerous people, dangerous streets, and dangerous neighborhoods’.¹⁵⁶ Following Paul Amar’s analysis of specific feminist NGOs in Egypt, Grove situates HarassMap within a particular system of UN-recognized feminist

¹⁵² *Id.*

¹⁵³ Interview with anonymous former member of OpAntiSH via Zoom (Nov. 2, 2020),

¹⁵⁴ Salma Said, *Subversive Bodies: The Story of Fighting Sexual Assault in the Egyptian Revolution* (unpublished paper) 2019.

¹⁵⁵ HarassMap, *Reporting*, <https://HarassMap.org/reporting>

¹⁵⁶ Nicole Sunday Grove, *The Cartographic Ambiguities of HarassMap: Crowdmapping Security and Sexual Violence*, 46(4) *Secur. Dialogue* 352, 345–364 (2015)

campaigns which ‘rejected class-conscious movements for social change and instead focused on cultural explanations for gendered sexual violence’.¹⁵⁷

HarassMap clearly falls short in its reliance on criminalization tactics, but OpAntiSH is not inserted here nostalgically or as a winning model: as former members of the collective have noted, it emerged from and for a specifically volatile context. Rather, it is perhaps a helpful reminder that alternative ways of thinking about justice was almost realized as a project, at a time when there was a crack in the emergency system. That is, it is not a coincidence that OpAntiSH’s activities (and the productive conversations which flowed from these activities) emerged in a context where the long-imposed state of emergency was suddenly disrupted.

Bearing this moment of disruption in mind, the radical task at hand appears to be imagining a life beyond the state of emergency. What this translates into in reality is perhaps redirecting efforts focused on enhancing the effectiveness of the legal system inwards and focusing on manageable communities that can affect change without resort to the carceral state. At a time when the emergency state seems more invincible than ever, thinking about alternative justice can be driven partly by the limited choices survivors of sexual violence have to pick from to achieve justice.

B. Towards Non-Carceral Justice

Dina Makram-Ebeid writes about these limitations in light of accusations of sexual assault brought against two members of the (socialist) Bread and Freedom Party by a woman engaged in the field of civil society. One of those members is Khaled Ali, who, at the time, was the leftist candidate for the 2018 presidential race.¹⁵⁸ Makram-Ebeid particularly points out how discussions surrounding the case greatly emphasized the absence of non-carceral, ‘community mechanisms for pursuing justice in cases of sexual violence, beyond

¹⁵⁷ *Id* at 352.

¹⁵⁸ Mada Masr, *Amid Allegations of Sexual Misconduct, Khaled Ali Resigns from Party and ECESR*, (Feb., 2018), <https://www.madamasr.com/en/2018/02/20/news/u/amid-allegations-of-sexual-misconduct-khaled-ali-resigns-from-party-and-ecesr/>.

the criminal justice system'.¹⁵⁹ This absence was particularly notable because of the victim's refusal to resort to legal measures, in order to 'protect her mental wellbeing'.¹⁶⁰ What took place instead was an internal investigative committee led by independent individuals from the community.¹⁶¹

Several months later, the committee released a report riddled with terminology borrowed from legal proceedings: rather than 'addressing the difficulty of conducting community-based justice',¹⁶² the report emphasized 'the human rights declaration and the Egyptian Civil Law language to refer to the rights of the "plaintiff, defenders, and witnesses," asserting that the "defendant is innocent until proven guilty"'.¹⁶³ As Samaa Elturkey describes it, the process was 'handcuffed by its reliance on legal references'.¹⁶⁴ Attempting to envision a non-carceral form of justice, Elturkey imagines how transformative justice would play out in the Egyptian context in similar cases, as a form of justice which 'would consider state violence, the absence of reporting mechanisms, the political context of the moment, leftist groups' status in relation to the state, and the positionality of women's issues on the agenda of the broader political arena'.¹⁶⁵ This vision echoes Makram-Ebeid's for a transformative justice approach which takes into account on the survivor's position in society as well as the 'power imbalances between the female complainant and the two accused male members of the party, both in terms of gender, but also in terms of social power that comes from one of the defendants being a party leader and the other a member of a prominent party'.¹⁶⁶

This victim-based approach to justice in cases of sexual assault would also mean prioritizing the victim's right to choose which method they prefer to resort to in a given

¹⁵⁹ Dina Makram-Ebeid, *Grappling with Forms of Justice: Combating Sexual Violence in Civil Society*, Mada Masr (Mar., 2018), <https://www.madamasr.com/en/2018/03/08/opinion/u/grappling-with-forms-of-justice-combating-sexual-violence-in-civil-society/>.

¹⁶⁰ Samaa Elturkey, *Is it Rape or a "Disgraceful Act?" Transformative Justice as an Alternative Approach of Addressing Sexual Violence in Egypt's Civil Spaces*, 6 *Kohl: A Journal for Body and Gender Research*, 95, 90-104 (June, 2020), <https://kohljournal.press/rape-or-disgraceful-act>.

¹⁶¹ *Id.* at 94.

¹⁶² Makram-Ebeid, *supra* note 159.

¹⁶³ Elturkey, *supra* note 160, at 95.

¹⁶⁴ *Id.* at 96.

¹⁶⁵ *Id.* at 97.

¹⁶⁶ Makram-Ebeid, *supra* note 159.

situation. As Makram-Ebeid points out, resorting to a criminal justice system investigation and ‘having the state acknowledge the atrocities they have experienced’ is important to some as a way of ‘feeling vindicated and... keeping their abusers at bay’.¹⁶⁷

Here, it is interesting to note how the ‘criminal justice system mimicked by the investigation’¹⁶⁸ of the Bread and Freedom Party is telling of a stunted political imaginary, even from the self-proclaimed radical left. The investigators reproduced themselves as the state saw them, but this is not an uncommon risk of embarking on transformative justice approaches.¹⁶⁹ As Mimi Kim writes, transformative justice is not only a method but ‘a flexible set of politics and practices committed to collective and community-based mobilization, nonpunitive practices of accountability, and a theory and practice of violence prevention and intervention that addresses the context of historic and systemic oppression’.¹⁷⁰ That is, transformative justice is inextricably tied to the politics of the community. Because of this, and as the Bread and Freedom Party case demonstrates, community-based structures operating in communities without a strong commitment to feminist justice will naturally end up reproducing the violence of the formal criminal justice system.¹⁷¹

As demanding and messy as the process can be,¹⁷² implementing alternative justice approaches (such as transformative justice) in community spaces is something interviewees highlighted as necessary for avoiding increasingly unjust state justice.¹⁷³ These community spaces can be social justice-oriented workplaces, such as NGOs, or other spaces such as political parties. An example of such an initiative can be found in the gender unit of the Cairo-based Egyptian Initiative for Personal Rights (EIPR).

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ Abdelmonem, *supra* note 105, at 12: ‘community structures are argued to be no less problematic than the law and carceral logics can be reproduced outside of prison structures’.

¹⁷⁰ Kim, *supra* note 45, at 319.

¹⁷¹ Aparna Polavarapu, *Global Carceral Feminism and Domestic Violence: What the West Can Learn from Reconciliation in Uganda*, 42 *Harv J L & Gender* 320, 301-353, (2019).

¹⁷² Makram-Ebeid, *supra* note 159.

¹⁷³ Mada Masr, *Friend of Witness in Fairmont Case Swept Up in Backlash Arrests, Ordered Detained* (Sept., 2020), <https://www.madamasr.com/en/2020/09/03/feature/politics/friend-of-witness-in-fairmont-case-swept-up-in-backlash-arrests-ordered-detained/>.

EIPR only recently implemented its internal policy dedicated to dealing with cases of sexual harassment in the workplace, detailing the steps to follow after an incident is reported. The policy is an outcome of several years' worth of drafting, and had actually remained in draft form until its finalization was prompted by the Bread and Freedom Party case investigation. Perhaps owing to the comparatively more democratic environment provided by EIPR to its employees facilitatory of productive debate surrounding the issue, or to the more 'radical' politics of individual members of the institution, EIPR's policy is written so as to avoid mirroring formal investigation processes. The instinct to form official investigation committees, exhibited by the Bread and Freedom Party for example, is absent. Informal routes are instead made available, through which employees can reach out to a common friend or trusted person in the workplace and engage in a mediated conversation to address the harm done.¹⁷⁴ Other civil society organizations and progressive workplaces have used EIPR's policy as a template, adapting the text for their purposes. Whether or not the policy has been a success is difficult to say, due to the secretive nature of the process.¹⁷⁵

For the most part, one point that was emphasized by all three interviewees is the importance of experimenting, learning, and expanding the capacity for imagination in general. For example, during an interview conducted with a former member of OpAntiSH, it was highlighted how, for older generations in Egypt (middle-aged and older during the 2011 uprising), ideas of liberation and justice continue to be tied in with the nation, independence, and sovereignty. That is, to think of justice without the state would necessitate a 'departure from the immediate imaginary'.¹⁷⁶ This emphasis on imagination is especially meaningful given the place held by the concept for social movement theory.

The radical imagination is theorized by Max Haiven and Alex Khasnabish as a sociological process vital to resisting a long list of consequences triggered by the enclosures of Europe

¹⁷⁴ Interview with Lobna Darwish (Nov. 2, 2020).

¹⁷⁵ Here, Darwish noted that a secretive process would in fact be considered a successful one, protecting the privacy of those coming forward and ensuring no disruption takes place in their professional life at the workplace.

¹⁷⁶ Interview with anonymous former member of OpAntiSH via Zoom (Oct. 6, 2020).

– primarily, capitalism.¹⁷⁷ In the more contemporary moment, Haiven and Khasnabish understand the radical imagination to be especially significant in the face of ‘the grim, merciless and zombielike ideology of austerity’.¹⁷⁸ Their description is perhaps best exemplified by capitalist realism, or ‘the widespread sense that not only is capitalism the only viable political and economic system, but also that it is now impossible even to *imagine* a coherent alternative to it’.¹⁷⁹ The process of the radical imagination, put simply, is ‘the ability to imagine the world, life and social institutions not as they are but as they might otherwise be’.¹⁸⁰ More specifically, Haiven and Khasnabish caution against the understanding of the radical imagination as an individual undertaking: ‘the imagination... is not merely the ‘private property’ of the individual...We create, with those around us, multiple, overlapping, contradictory and coexistent imaginary landscapes, horizons of common possibility and shared understanding’.¹⁸¹

The interviews conducted for this thesis reveal that this communal aspect of the radical imagination is invaluable. Indeed, rather than expressions of nostalgia to a ‘lighter’ moment of brief optimism or triumph experienced in the immediate aftermath of the 2011 uprising, the longing was for the space to exchange different strategies and ideas – to ‘fight’, whether it happened between movements or within the same one. When asked about how to move forward towards a more ‘feminist’ future of justice (with all the ambiguities contained within the terms), the answers always relied on community: most prominently, communities of art, civil society, or academia sharing, learning and unlearning strategies related to sexual assault.

If, as Saidiya Hartman points out (and Haiven and Khasnabish would agree), ‘so much of the work of oppression is about policing the imagination’,¹⁸² then certainly the

¹⁷⁷ Alex Khasnabish and Max Haiven. *The Radical Imagination: Social Movement Research in the Age of Austerity* (Zed Books, 2014): ‘the initial stage of capitalist exploitation which, between the 1500s and the 1800s, saw the Western European ruling class systematically strip the peasantry of their common lands and property through a combination of legal, economic and military manoeuvres’ 13.

¹⁷⁸ *Id.* at 3.

¹⁷⁹ Mark Fisher, *Capitalist Realism: Is There No Alternative?* (Winchester, UK: Zero Books) 2010, 2.

¹⁸⁰ Khasnabish & Haiven, *supra* note 177, at 3.

¹⁸¹ *Id.* at 4.

¹⁸² Kimberle Crenshaw, N.K. Jemisin, and Saidiya Hartman, *Under the Blacklight: Storytelling While Black and Female: Conjuring Beautiful Experiments*, African American Policy Forum, Youtube (37:30).

unimaginative and unrelenting resort to prison (powered by an equally relentless state of emergency in the Egyptian context) is a similar kind of work in action. It is through the slow and deliberate process of constructing a counter-imagination that remaining and emerging movements can begin to work towards a different and possible future.

VI. Conclusion

In this project, I have attempted to envision an emergence of an anticarceral feminist movement in Egypt. Towards this goal, I have described what is identified as a carceral moment taking place in contemporary Egypt, characterized by an increased resort to incarceration as a means to eliminate political, social, and any other perceived threats to governance, as well as the total elimination of due process within the legal system. The majority of criticism directed towards the state in connection with this process on the part of activists, however, is concerned with political prisoners, the innocence of which is often emphasized as an argument for their release. I argued that, in this process, criticism of the prison as such, as an inherently antifeminist tool of oppression, is missing. From this point, I have tried to understand how feminist activism in Egypt overlooked this theoretical standpoint, with the dominant approach to ‘justice’ being carceral.

A few explanations were suggested: from the ‘carceral turn’ in feminism as a phenomenon coinciding with the rise of neoliberal policies globally and subsequent NGOization of radical local movements, to the unattainability of the mutual requirement of destruction/construction required by abolitionist politics as theorized in the United States, and finally, the endless state of emergency imposed on social and political movements (and generally) in the country. I argued that the unrelenting persistence of such a state has played a role in creating movements whose bar is consistently and forcibly set too low in terms of emancipatory vision or demands. In tracing the presence of movements, collectives or even individual activists that have, whether actively or not, countered the dominant, carceral approach, this project (hopefully) demonstrates the promise of a new justice imaginary, guided by alternative approaches (such as transformative justice) which recognize the state’s tools of justice (prison, primarily) as inherently antifeminist tools of repression, incapable of producing genuine justice.

Having said this, the project is not intended to be read as a call to abandon recourse to the criminal justice system in spite of the victim’s wishes. As anti-carceral feminists explain and as demonstrated above, eschewing reliance on the law is only one half of the equation in the road to abolition. The other half consists of building, or imagining, the alternative. This process, as revealed during the research phase of this project, is not a linear one with

a start and finish line. Rather, and as emphasized by all three interviewees, it is one which takes time and builds on ongoing conversations, or as they put it, ‘fights’, about what it means to achieve feminist justice.

Therefore, wary of how ‘critiques of the neoliberal law and order state have become increasingly tied to a repudiation of feminism’¹⁸³ in general, this work is not intended to be read as a criticism of an already fragile local feminist presence. It instead suggests further reflection when faced with the perhaps instinctive reaction of finding refuge within the state and the law, and imagining what it would mean to be able to find it without.

¹⁸³ Lisa Gotell, *Reassessing the Place of Criminal Law Reform in the Struggle Against Sexual Violence: A Critique of the Critique of Carceral Feminism*, in ‘Rape Justice’, eds. A. Powell, et al. 56, 53–71 (New York: Palgrave Macmillan) 2015.