

State, Landlord, Parliament and Peasant: The Story of the 1992 Tenancy Law in Egypt

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THE FOCUS OF THIS PAPER is the amendments to Law 178 for 1952, passed as Law 96 for 1992 by the Egyptian People's Assembly (Parliament) on 24 June 1992. Law 178 for 1952 is more commonly known as the First Agrarian Reform Law while its 1992 amendment is known as 'the law for regulating the relationship between owner and tenant', and dubbed by its opponents as 'the law for throwing out tenants from their land'. The amendment raised the rent more than threefold, from 7 to 22 times the land tax. More importantly, the new law gave landowners the right to evict tenants after a transitional period of five years which will lapse in 1997. Should tenants decide to leave the land before that time, they are to receive a compensation of 40 times the land tax for every year that is left before the termination of the contract. The law also stipulates that tenants who live in houses located on the rented land are not to be evicted until the government provides them with alternative housing, and that they are to be given priority in acquiring government reclaimed land. This is, to date, the most severe blow dealt to Nasserist policies, and is expected to have considerable effects on agrarian relations in Egypt.

My intention in looking at the developments which culminated in issuing this law is to use this concrete incident to present a snapshot of political practice in contemporary Egypt. The purpose of this paper is not to prove a point so much as to illustrate it. That this law is part of the de-Nasserisation process that Sadat started in the mid-1970s, and that it is a result of the present regime's commitment to economic liberalisation according to IMF directives hardly needs

proving.¹ Something else which does not need to be proven is that the legislative process in 1990s Egypt is motivated and controlled by the interests of the powerful political and economic élite, and that peasants do not have a voice, at least not one that is in any way politically consequential.

The Problem

Regulating owner–tenant relations was part of the First Agrarian Reform Law issued on 9 September 1952, only six weeks after the July 1952 Revolution. Agrarian Reform laws had far-reaching effects on the Egyptian countryside. These effects were not confined to the redistribution of expropriated land beyond the stipulated ceiling. Equally significant was regulating the tenancy relations so that the rent was fixed at 7 times the land tax, in addition to ensuring that the relationship is contractual and open-ended—the landlord was not allowed to evict the tenant or his heirs except in cases of failing to pay the rent. Tenants were registered in the agricultural co-operatives as holders, the same as landowners who farmed their land themselves.

With the huge rise in land value, this arrangement became increasingly unsatisfactory for the absentee landowners, unable to sell their land at the going market value as no buyer would be interested in purchasing land burdened by permanent tenants (and their heirs) paying a fixed low rent. Nor were they able to rent it out unofficially at a much higher value, as is practised by others whose land is not occupied by ‘permanent tenants’. From the point of view of the owners, they were unable to practise their ownership rights.

The tenants, on the other hand, took for granted the permanence of the contracts, and continued to farm the land as their own. The logic which supported such a situation rested on the Revolution’s principles of equality and social justice. Whatever label analysts wish to attach to Nasser’s policies (whether socialist, state capitalist, or populist) the fact remains that these policies did produce significant and concrete improvements in the lives of large sectors of the population. And regardless of the intentions of the Free Officers when they passed the law,² the millions of peasants who benefited from Agrarian Reform received the act and continued to treat it as part of a binding social contract. The wide-ranging and deep-rooted restructuring of agrarian relations which followed

¹ The reversal of Nasser’s socialist policies has been a fact of political life since Sadat’s open-door policy in the mid-1970s, and things have been progressing in that direction ever since. Examples of this process include returning sequestered land to its former owners in Sadat’s time, and the Supreme Constitutional Court’s ruling that landowners whose land was expropriated under Agrarian Reform are to be compensated. It is significant to mention that the heirs of King Farouk are among the owners who received compensation.

² Needless to say, Agrarian Reform is not in itself a ‘revolutionary’ or even a necessarily ‘socialist’ act. It was a popular policy in the 1950s and 1960s, and was undertaken by both socialist and capitalist regimes alike.

implementation of land redistribution and tenancy guarantees created the basis of a solid and stable social order, or at least this is how it seemed.

The systematic process of de-Nasserisation which Sadat started in the mid-1970s was accompanied by a crucial switch in the point of reference which governed the basis of society's political order. Sadat articulated this switch in his famous expression that 'we are now living in the age of constitutional rather than revolutionary legitimacy'. Changing the Agrarian Reform tenancy law should be read against this background, where a legalistic discourse dominated the arena of policy-making. In this situation, the legal principle of justice had precedence over the political principle of social justice. In the face of the constitutional principle of ownership rights, the tenants' adherence to their social contract with Nasser counted for little, as it could not be translated into a legal claim.

Before discussing the owner-tenant debate, it is important to present first the tenants' understanding of their position before it became clear that the government was serious about repealing the Agrarian Reform Law. Fieldwork which I carried out in 1988-9 in a small village in Fayyum governorate, denoted here by the pseudonym Izbet Imam, revealed the great significance which the villagers attached to the issue of secure tenancy. There are only four Agrarian Reform beneficiaries in Imam which did not witness expropriation and redistribution of land. Because of the tenancy law, however, Agrarian Reform remains the most important turning point in the history of the village as its inhabitants perceive it. Tenants' security is seen as Nasser's gift to peasants, and it formed in 1989 the basis of the community's moral and political order. Agrarian Reform law is locally known as 'the Law of Freedom', and it represents a turning point between a past conceived in terms of feudalism and misery and a present of freedom and dignity. The following testimonies of some of Imam's inhabitants illustrate the point:

- Bahr: The system in the past was that the owner would bring people to live in houses he had built and farm his land. If he does not like them he would evict them from the house and land and bring other people. This situation went on until Mr. President [Nasser] declared the Law of Freedom and the people got the land they were farming.
- Fathi: The Revolution freed the country from injustice and enslavement. It brought freedom. Before the Revolution you could not speak in front of a person who had money. In the past, the peasant would rent a piece of land according to the owner's terms. At any time the owner could kick him out and bring another peasant to farm it. The peasant could not say no. He just couldn't. . . There was no justice. If we had 5 per cent justice, we had 95 per cent injustice. A person did not feel secure in his own village. He could not secure his or his children's future.
- Wahba: Before the Revolution there was a law which put the peasants under the mercy of the landowner. It was like slavery. When the Revolution came

there was independence. They nationalised the land and established *Islah* (Reform), and they stood by the peasant's side.

Fergani: Nasser issued the law that said the peasant is not to be thrown out from his field. Nasser, God rest his soul, gave life to the peasant. Before him, the peasant was thrown out from his field and home. Then he issued this law, and his funeral was something no one has ever seen before even for kings. All of us held funerals for him and we were crying so hard that day. Our country is beautiful, and God made it even more beautiful by sending Nasser to us.

The above quotations are meant to convey the sense of security that tenants felt three years before the law was issued. The link with Nasser and the Revolution should not be taken as a sign of nostalgia or some kind of 'Nasserist fundamentalism', but as conveying a sense of why peasants consider permanent tenancy an acquired right. The term 'feudalism', often dismissed as Nasserist rhetoric, is understood by peasants in an 'operational' sense. As one of Imam's residents expressed it:

A feudalist is an owner, it does not matter how much he owns. As long as he employs people on his land and can kick them out as he pleases he is considered a feudalist.

Reports in opposition newspapers of tenants' views on the law are full of references to 'the return of feudalism'. This mainly refers to the anticipated process of land concentration that is expected to follow eviction of a large number of smallholders from the land. But expressing fears of return of feudalism also conveys the sense of 'reversal' to a previous state of dependence from which peasants thought they were permanently delivered. Repealing the tenancy law is not just 'loss of livelihood and source of income' as the most sympathetic would put it; it is an act which disturbs what the rural poor consider an important basis of a moral and political order.

The Press Debate³

The press played a significant role in the process of issuing the law. The government-controlled 'national press', which rallied almost totally behind the landlords, acted more as a lobbying arena than a debating forum. The tenants' side was hardly represented while the arguments of their supporters (mainly the leftist *Tagammu'* party) were generally ignored.⁴

One of the striking features of the debate was the lack of an agreed factual

³ For an informative review of the owner-tenant debate in the press, see Springborg (1991).

⁴ In his article on an earlier phase of the debate, Springborg mentions the government's ignoring the opposition's evidence and arguments as one of the reasons why it would be incorrect to suggest 'that the government and opposition press conducted a dialogue on this issue' (1991), 241-2.

basis for the arguments made on both sides. Interestingly though, most participants were keen on bringing in figures and percentages and ratios in order to support their arguments by giving them 'scientific' weight. An editorial in the economic weekly *Al-Ahram al-Iqtisadi* mentions the number of tenants to be 1.3 million farming 15 per cent of agricultural land.⁵ The economist Mahmoud Abdel-Fadil estimates the number of tenants to be half a million.⁶ Another figure quoted in *Al-Wafd* for percentage of leased land is 34 per cent of agricultural land. Tenants' supporters tended to inflate the number of tenants. A typical example of the arbitrary calculations comes from Ahmed Mahmoud el-Khawaga, who leases three *feddans* and supports a family of nine: 'If this new law is to be applied it will deprive 450,000 tenants and their families from their income. These families constitute around 15 million persons which is 1/4 of the population of Egypt. . . Isn't it enough that we have 3 million unemployed youths. . . that they want to add 15 million more?'.⁷ Robert Springborg addresses the issue of the different estimates for numbers of tenants. His estimate is that, based on the 1981–2 agricultural census, the total number of tenancies reached 925,142 (including sharecropping and holdings of mixed tenancies). With their families, he estimates that the law will affect 6 million individuals.⁸ Mohamed Iraqi, a farmer from Daqahlia governorate who is also the head of the Farmers' Bureau of the Tagammu' Leftist party, mentioned to me that 'the NDP [the ruling National Democratic Party] and the government have all the figures, of course, but they refused to provide us with any accurate figures'.⁹ Although the government is generally possessive about 'its' data, expert views were expressed that the necessary data were actually lacking rather than secret. The prominent agricultural economist Mohamed Abu-Mandour commented that the draft law was prepared 'without sufficient data such as tenure-ship maps which indicate who owns the land and who rents it, or figures for absenteeism among tenants. These data could be compiled within days through village agricultural societies but nothing has been done.'¹⁰ Ahmed El-Goweili, the erstwhile Governor of Ismailia and the head of the Scientific Society for Agricultural Economy, who is a liberalisation enthusiast and a supporter of the law, agreed that the law is based on 'outdated information'.¹¹

More significant than the absence of reliable data on the actual size and shape of the problem, and the lack of consensus over the most basic facts, was the role played by the constructed images of both owner and tenant in making a case for the owners. The stereotyped image of lazy peasants watching videos

⁵ *Al-Ahram Al-Iqtisadi* (9 March 1992).

⁶ *Al-Ahali* (24 June 1992b).

⁷ *Al-Ahali* (13 May 1992).

⁸ Springborg (1991), 235, n. 112.

⁹ Interview with Mohamed Iraqi (4 February 1996).

¹⁰ *Al-Ahram Weekly* (4–10 June 1992a).

¹¹ *Al-Ahram Weekly* (4–10 June 1992a).

and abandoning the land to travel abroad to buy more consumer goods was heavily employed in this debate as 'evidence' for the injustice befalling the owners. The latter in turn were portrayed in the image of the needy, yet respectable, middle-class helpless citizens, oppressed by merciless tyrants. It is worth presenting some examples of this 'phenomenon' at length, since the process of establishing this image as 'fact' was one of the owners' instruments for changing the law in their favour.

The first specimen I present for this view was written by the ex-Vice President of the State Council, the highest judiciary body, and appeared in *Al-Ahram*, the most widely read daily newspaper:

The noble purpose for issuing the existing law [Agrarian Reform] was to achieve one of the aims of the July 23 Revolution, which is abolishing feudalism, and this was achieved years ago. Despite that, this law remained in control and surrounded by a halo of sanctity because the society remained captive of the idea of abolishing feudalism. . . This situation has produced a reverse feudalism that we can call 'the feudalism of the tenant', . . . and maintaining this law became a striking example of injustice. For the owner became the weak and helpless party who receives nothing but the scraps while the tenant became the controlling and powerful party who reaps the fruit and gives the owner the scrap leftovers, not by virtue of his being an owner but as if what [the tenant] pays him is condescension and charity.¹²

Another article which was again published in *Al-Ahram* was written by the ex-Under Secretary of the Labour Ministry.¹³ Besides a verbatim plagiarism of the above article's description of owner and tenant, this author specifically addresses those who argue that injustice should not be removed from the owner only to fall on the tenant. His response to that argument is the following:

This is a misleading and obviously corrupt argument, for the law that achieves justice cannot possibly be described as unjust. The right thing is to describe it as the most just of laws because it will remove a long-standing injustice.

His view on the consequences of the present unjust relationship was that:

This situation generated the great hatred on the part of the owner for the tenant, and avid greed that controlled the tenant that each one of them waited in ambush for the other. That is how socialist laws wasted our belonging to our Egypt.

This link between the Agrarian Reform law and 'our Egypt' is very common. In one commentary, the editor-in-chief of *Al-Ahram* wrote about Agrarian Reform laws, that 'the passing of time has rendered them so obsolete that they now contribute only in complicating our national life'.¹⁴

¹² *Al-Ahram* (5 May 1992).

¹³ *Al-Ahram* (16 June 1992).

¹⁴ *Al-Ahram Weekly* (19–25 March 1992).

Another example of this portrayal was written by an ex-Councillor at the Court of Appeal and published in *Al-Wafd* newspaper:

For over 40 years the tenant's pockets were filling with thousands of pounds. . . that he bought agricultural land and rode in Mercedes and Peugeot cars. This happened while the owner gave up half of his land for the tenant so that the latter would allow him to sell the land so he can finance the marriage of his daughter or son or to be able to pay for his daily life expenses after prices have rocketed. The balance was tilted and the tenant became the owner of 70 and 80 feddans [which he acquired] from selling crops he planted on the owner's land. . . It is high time especially during the reign of President Mubarak who is known for his tendency to issue laws that are just and do not contradict Islamic Shari'a and are not imported from Communist countries, it is high time to get rid of those laws and to alleviate the injustice befalling the downtrodden citizens who have lost everything except their belonging to their country.¹⁵

The last example I present is an article published in *Al-Gumhuriyya* daily on the occasion of Farmers' Day, September 1988. The article entitled 'The Fellah: is he the oppressor or the oppressed'¹⁶ reproduces the prevalent urban middle-class stereotypes of peasants, and directly links the recent negative changes in the Egyptian village to the tenancy law:

[In the village] there are cafés everywhere and secret video clubs that show forbidden films which fellah youths watch until dawn. They thus wake up the day after unable to work and produce. I think there is a link between Agrarian Reform law and these negative phenomena. For the low rents make the tenant lazy and does not exert any effort to increase his production, since the very least of produce will suffice to pay the rent and there will still be a reasonable amount that he spends on his own enjoyment [*mazag*]. And no doubt if the fellah knew that he has to pay a reasonable rent for the land he will certainly exert an effort to increase his production, and no doubt this increase will be beneficial for society as a whole.

Where tenants were presented with an occasion to express their views, they were primarily concerned with responding to their unjust portrayal by the owners' supporters:

We heard [a radio presenter] interviewing a citizen who told him: I was renting 14 *qirats*, and through farming them I bought 14 feddans. And we say to [this presenter]: it must be that that farmer was growing hashish and opium. We are farmers and tenants and we know how the tenant farmer lives under the subsistence line.¹⁷

¹⁵ *Al-Wafd* (17 June 1992).

¹⁶ *Al-Gumhuriyya* (2 September 1988).

¹⁷ Tenant from Minya governorate, quoted in *Al-Ahali* (29 April 1992b).

Another tenant interviewed by *Al-Ahram Weekly* also contests the high profits that the tenants allegedly make, and uses the same hyperbole: 'I . . . doubt that many tenants were able to buy land. They would have to be cultivating opium or hashish to make these alleged high returns.'¹⁸

The views of the owners' supporters, outrageous as they may sound, should not be dismissed, as they formed an integral part of the process which ended with issuing the law. They may not be backed by logic or persuasive style yet they were backed by their authors' high social status and access to forums of the highest visibility and influence, mainly the state-controlled press. It is true that tenants had their own stereotypes of the owners. Yet the case of the tenancy law reveals that misrepresentation by the powerful is part and parcel of the relationship of dominance. Tenants' misrepresentation of the owners, on the other hand, is inconsequential.

Another issue that this specimen of the debate reveals has to do with the quality of the contributions and the nature of the 'arguments'. To say the least, this level of debate did not provide suitable grounds for a serious dialogue. It is legitimate to assume that it was not in the intention of the owners' supporters who initiated the law that a dialogue was to take place at all.

Before presenting the views of tenants' supporters it is important to repeat that the point of view of tenants and their supporters was practically unheard. In terms of coverage and exposure, these views were confined to the opposition newspapers (mainly *Al-Ahali*), occasional references in the national press, or to the more specialised and therefore not very widely read *Al-Ahram* economic weekly.

Tenants' supporters generally conceded that rents have to be increased. Yet they were against terminating the contracts. They argued for their right in keeping tenureship on the ground that over the years tenants have invested labour and money in improving the land, something which would not have been possible without the guarantee of permanent tenancy. The main argument of this side, however, focused less on tenureship rights than on the issue of national interests. The first issue concerns the issue of food production. The argument was repeatedly expressed that tenant eviction would lead to a process of land concentration in the hands of a small landowning élite. Apart from the implications of this process for the issue of inequality, the concern was expressed that this would change the cropping pattern from 'strategic crops' that would ensure food security for Egypt to export-oriented cash crops, a change which would lead to increasing reliance on food imports and of dependence on the West. This view is best expressed in the words of Ali el-Din Saleh, the president of the short-lived nationalist party Masr el-Fatah (Young Egypt):

¹⁸ *Al-Ahram Weekly* (4-10 June 1992b).

The new law that the NDP is preparing amounts to a murder crime that the ruling party is committing against every peasant on the land of Egypt. . . Providing security for the peasant should be a priority because he provides food for all members of this society, for the social function of agriculture comes before its economic function. Egypt's [control over its] decision-making was brought to its knees before the West in the present age mainly because of the decline in agricultural production. We cannot imagine a free state that does not produce its own food, and we cannot throw this responsibility on the peasant if we do not provide him with stability in his land.¹⁹

This view was echoed by a tenant from Beheira governorate interviewed in *Al-Ahali* newspaper who argued that ending tenancies 'will not be in favour of agricultural production because if owners farm, they will only grow fruits and flowers'.²⁰

'Social peace' was another national interest consideration voiced by opponents of the law. A number of writers expressed concern as to the possible spread of violence in the Egyptian countryside were tenants to be expelled from their land. In an article published by the leftist monthly *Al-Yasar*, Ahmed Zidan attacks the draft law along lines that are apparent in the article's title: 'In defence of the country not the tenants': 'This draft law will not only result in expelling 1.2 million families, which is horrifying in itself. More than that it will push the society into a mad cycle of violence especially that the ground in the countryside is prepared for that.'²¹

The Legislative Track

The first proposal to change the tenancy law was submitted in 1985 by the Agricultural Committee of the NDP to the cabinet²² which declared its intent to present the law to Parliament in 1986. This, however, did not take place. Springborg notes that the reason for postponing the planned change of law was the police riots which broke out in Cairo in February 1986.²³

Since 1986, the issue of owner-tenant relations has been at the centre of public debate, and the government made several declarations of its intent to pass a new law. A declaration in February 1992 by Yusef Wali (Minister of Agriculture, Deputy Prime Minister and Secretary General of the NDP) that the NDP had prepared a draft proposal to be discussed in the present parliamentary session, and that the issuance of a new law was imminent was met by the Wafd and

¹⁹ *Misr el-Fatah* (30 March 1992).

²⁰ *Al-Ahali* (25 March 1992a).

²¹ *Al-Yasar* (26 April 1992).

²² Springborg notes that the NDP report was not made public. He was informed of its contents by the Committee's chairman in an interview in 1986: Springborg (1991), 236, n. 13.

²³ Springborg (1991), 236-7.

Tagammu' parties with scepticism and apprehension. This time, however, the draft proposal eventually made its way to the parliament.

The Parties' Agreement

One of the important events which took place before the draft proposal went to Parliament was a meeting of the opposition parties with the NDP. The NDP called for a meeting of all parties to discuss the law, and the meeting that was held on 18 March 1992 culminated in an agreement of all the parties attending on the basic principles that were to be included in the draft proposal. The parties attending were the NDP, the Islamic-leaning Socialist Labour Party, the right-wing Liberal Party, and the left-wing Tagammu' Party. The representative of Al-Wafd apologised for health reasons. After many hours of deliberations, the parties reached a joint agreement for a draft proposal. The most important points agreed upon were the raising of rents from 7 to 22 times the land tax, and giving the owner the right to evict the tenant in case of the owner's desire to sell his land. In that case the tenant would have the right of first refusal, and would get a discount of 25 per cent of the sale price. If the tenant did not wish to buy the land, he would get the 25 per cent as compensation in return for leaving the land.

Apart from the Tagammu', the position of the opposition parties did not differ much from that of the NDP. The Tagammu's position is the one that is worth focusing on since it was the only party that really supported the tenants' case and the only party that presented an alternative proposal.

While acknowledging that the present situation was unfair to owners, the Tagammu's position was firmly against terminating the tenancy relationship. The Tagammu' proposed to liquidate this problematic relationship by facilitating the sale of the land to the tenants. For this the party proposed establishing a 'bank' whose mandate would be to extend loans to tenants that would enable them to buy the land at the market price. The bank would pay the owner instantly while the tenant would pay the bank in instalments over a long period of time (thirty years).²⁴ A number of writers from the party presented this suggestion and did not fail to mention that if the government could find the funds to support the collapsed Bank of Credit and Commerce Misr (BCCM) with 1 billion pounds, then it could manage to find a source that would fund the suggested bank.²⁵ This suggestion, the Tagammu' argued, would safeguard the interests of both

²⁴ *Al-Ahali* (15 April 1992).

²⁵ See *Al-Ahali* (24 June 1992a). BCCM was a local subsidiary of the Bank of Credit and Commerce International (BCCI), and it closed down following the latter's collapse. The government of Prime Minister Atef Sidki decided that the Central Bank of Egypt would extend an interest-free loan in order to refloat BCCM. The drive behind this move was seen as an attempt 'to boost investor confidence before privatisation of the public sector gets under way', Country Report-Egypt (1992).

the owners and the tenants. It would primarily spare the latter the impending fate of being evicted from the land, while preserving the owner's rights to obtaining a fair value for his land, as the party acknowledges the existence of a large number of small owners whose problems cannot be ignored.

The Tagammu's agreement to the collective proposal drafted in the parties' meeting proved costly for the party's political credibility. For one thing, it presented a considerable retreat from the party's original position. Apart from agreeing to the high raise in the rent, and the owner's right to expel the tenant in case of sale, the party did not succeed in obtaining an agreement on establishing the bank for lending to tenants who wished to buy the land, and only obtained a promise that this suggestion would be considered. Although the issue was not openly discussed in the party's newspaper, it was clear that this compromise did not enjoy the consensus of the party's membership and constituency. Abu el-Ezz el-Hariri, a former Member of Parliament and a prominent party member, mentioned in an article that: 'Agreeing to the principle of selling the land without enabling those without means to buy through a bank or fund is a process of eviction that is direct, shameful, condemned and rejected for whoever agrees to it under any conditions.'²⁶ It seemed that for the party leadership, taking part in the discussion was an end in itself. During an interview Khaled Mohieddin, the party's Secretary General was asked: 'What are the guarantees that would ensure implementing this agreement?', to which he replied:

The main guarantee is the agreement of all parties, and their realisation that non-compliance would put many obstacles in front of calling Parties to participate in dialogues in the future. . . Among the other guarantees is that this agreement would ensure stability in the Egyptian countryside. I also think that one of the positive aspects that have to be considered is that the different parties sat down together in order to reach an understanding on a national issue that touches the lives of millions. . . In addition to that, dialogue in itself proved that it is possible regarding the given case, to reach an agreement that protects the rights of all sides.²⁷

Another member of the delegation which carried out the negotiation was Maher Assal, the Information Secretary, who saw in the meeting 'an important step on the road of democratic practice'.²⁸

The second reason why this agreement was compromising for the Tagammu' party was that after prematurely celebrating a victory and congratulating themselves on their negotiating skills and powers of persuasion, the government presented a draft law that did not comply with the principles agreed upon earlier. Mohamed Iraqi, the head of the Farmers' Bureau and a member of the party's delegation to the meeting, was of the opinion that the party fell into a trap that

²⁶ *Al-Ahali* (29 April 1992a).

²⁷ *Al-Ahali* (1 April 1992).

²⁸ *Al-Ahali* (25 March 1992b).

was set for them. He was angry when I suggested that the compromises they made in the meeting may have been a 'mistake'. He said: 'We did not make a mistake; we just were not cautious, because we did not write down the agreement with a copy for each party.' It is surprising that the Tagammu' has no written record of the agreement, yet it is doubtful that this would have acted as a contract that would have guaranteed implementation. On 22 March 1992, Atef Sidki, the erstwhile Prime Minister, delivered the government's statement before the Parliament, in which he declared that the government endorsed the principles which were agreed upon in the meeting of the different parties, and that it will submit a proposal to the Parliament based on those principles.²⁹ The draft law that was presented to the Parliament, however, differed substantially from that agreed upon in the meeting. If the Prime Minister's statement did not guarantee compliance with what was agreed on in the meeting, a copy of the meeting's minutes would not have done so either.

The Parliamentary Session

The tenancy debate culminated in a two-day parliamentary session to discuss the draft law submitted by the cabinet after it was reformulated by the Agriculture and Irrigation Parliamentary Committee. With an overwhelming NDP majority, it was not expected that there would be any substantial changes on the draft law.

In his opening speech, Fathi Sorour (NDP), the Speaker of the Parliament, stated the purpose of the session to be that 'the Assembly issues a balanced law that would achieve justice for both parties (owners and tenants), taking into consideration that the law should also . . . serve the aims of economic reform . . .' Sorour mentioned at length the various committees of specialists that discussed the law and ended by saying:

I had invited the leading men of religion and specialists for a meeting on the morning of Wednesday 17 June 1992. The meeting was attended by His Excellency the Shaykh of Al-Azhar and His Excellency the Grand Mufti, and Professor Doctor the Prime Minister and Professor Doctor the State Minister for the affairs of the People's and Shura Assemblies, for the purpose of exchanging opinion regarding certain aspects of the law and what the Shari'a rules concerning those aspects.

He then stated the essential points that the draft law raises, which included:

- 1 That the agrarian reform law that this draft deals with was a necessity to face feudalism and exploitative capital; so does this necessity still stand?
- 2 The rule of Islamic Shari'a concerning the tenancy contract.³⁰

²⁹ *Al-Akhbar* (23 March 1992).

³⁰ *Al-Ahram* (23 June 1992).

These two points crystallised the major controversial issues which this debate touched upon, and they were the focus of a heated discussion mainly because they possessed implications which went beyond the tenancy issue.

The Revolution

The draft law submitted by the cabinet and NDP representatives hits at the Agrarian Reform Law and the 1952 Revolution. Despite its very different political orientation, the present regime continues to pay lip service to the July Revolution, which remains central to the regime's discourse of 'legitimacy'. Therefore almost all the 'official voices' whether ministers, party members, or journalists expressed the view that Agrarian Reform Law was important and necessary at the time of the Revolution but the situation has changed and the law therefore needs to be changed.

The Islamist independent member Gamal Qutb spoke against the Agrarian Reform Law, saying it did not conform to the Islamic Shari'a. In this context, he mentioned that at the time of the Revolution, the Shaykh of al-Azhar did not agree to the law and had to resign. He then made a direct attack on the Revolution and described its leaders as '*askar*' (a derogatory term for officers). At this point he was interrupted by Fathi Sorour who defended the Revolution firmly and did not allow it to be attacked. He objected especially to the use of the word '*askar*'. This incident was commented on at length by the official papers. In one commentary, Fathi Sorour was especially praised for taking a firm stand 'against the sweeping wave of attack on the past with all its symbols'.³¹ This incident reveals the extent to which this law touches a sensitive nerve concerning an uneasy relationship to the recent past. This sensitivity goes beyond the immediate political concerns of the present regime to reach the wide basis of consensus on which the contemporary Egyptian nation rests. Sorour's reaction to Qutb's attack was praised as an instance of respect for 'ancestors', a favourite moral virtue, but it also has everything to do with a certain line that cannot easily be crossed: the military. That President Mubarak is a military man is a fact of both the past and the present, and the army is the one legacy of the Revolution that counts in terms of politics and power in contrast with Agrarian Reform that carries no weight in 1990s Egypt.

The position of the government on this issue is to be contrasted with the opposition Wafd party's position. The Wafd's boycotting of the previous parliamentary elections meant that it had no representatives in the Parliament. Its position on the law, however, did not differ much from the government line, except in being even more outspoken in favour of the landowners against not just the Agrarian Reform Law but more importantly against the basis of this law — the

³¹ *Al-Ahram* (23 June 1992).

1952 Revolution, which the party regards as the source of all Egypt's problems. In contrast to the government's pragmatic attitude which was only concerned with passing the law while trying to evade the political point, the Wafd was more keen on spelling out the implications of the political U-turn. Although the party represents the interests of the owners, *Al-Wafd* was more interested in making a point about the past than in defending the immediate interests of its constituency.³²

The Islamic Shari'a

The second important issue that came up in the parliamentary debate was the conformity of the law to the Islamic Shari'a. A striking feature of the Parliament's handling of this law was to put the issue of Shari'a in the foreground. In the session, Fathi Sorour stated that the Grand Mufti and Shaykh al-Azhar had concluded that the Agrarian Reform Law was null and void because the tenancy contracts were open-ended. Dia el-Din Daoud, the President of the Nasserist Party, objected to this statement, saying first that it contradicted the Shaykh's previous statements, and that his opinion was not binding anyway since there were various interpretations of this matter. This was a turning point in the debate, which now changed from the owner-tenant issue into one in which the NDP representatives and the Prime Minister accused Daoud of being disrespectful of the Shaykh 'whom we respect and honour because he is the symbol of Islam'.³³

For those who are not familiar with the Egyptian political scene, it may be difficult to gauge the extent to which using Islamic Shari'a was a transparent pretext for passing the law.³⁴ In any case, the emphasis that the government placed on this issue is in itself significant and indicative of the growing importance of Islam in contemporary political discourse in Egypt, and the state's keenness on appearing as the guardian of Islam. The prominence given to Islamic Shari'a in this case was seen as a way of intimidating political opponents as well as signifying a shift in the basis of the regime's legitimacy.³⁵

³² See, for example, *Al-Wafd* (23 June 1992).

³³ *Al-Ahram* (23 June 1992).

³⁴ Galal Amin's angry commentary may help make the point:

I was struck by astonishment accompanied by a great deal of distress when I read in the papers the People's Assembly discussions concerning amending Agrarian Reform law and the headlines that included the following statement: 'According to Shari'a, the Agrarian Reform Law is null and void'. . . . I said to myself: there it is: religion is being again forced into a purely political and class struggle, and there we see the rules of God being forced into a dispute that is about people's interests. The government did not amend the Agrarian Reform Law because it suddenly discovered after forty years that the law did not comply with the Islamic Shari'a, but because of pressures from the IMF and the World Bank. . . . Does the government not see anything else in Egypt where 'people's money is unlawfully consumed' except the Agrarian Reform law? (*Al-Ahali* (15 May 1992)).

³⁵ *Al-Ahali* (29 July 1992).

I would like to end this section with the Prime Minister's statement which he delivered at the end of the last session of the discussions:

I hope that some people would not think that the purpose of this law is to give the landlords a sword to hit the tenants' necks with, for the law has come to achieve balance and justice between the two parties. We should not forget that we are a compassionate and supportive society that it is inconceivable that an owner would expel a tenant just because a law was issued. We should not forget that there are people with merciful hearts who have willingly accepted to give up their right to the houses which tenants have built on the rented land.³⁶

Much of this debate had to do with 'our Egypt' and what we are about. Perhaps even more important than Islam and the Revolution, nationalism and morality are values that are being increasingly sanctified and monopolised by the powerful.

Recent Developments

Now that there is only one year left before tenants would have to leave the land there is talk that the transitional period may be extended. *Al-Musawar*, a weekly which is close to policy-making circles, published an article speculating on whether or not tenants will actually hand in the land to the owners, and whether the transition period may not be extended.³⁷ A proposal for extension is on the agenda of Khaled Mohieddin, the head of the Tagammu' party, who won a seat in the People's Assembly in the last elections. A meeting was held at the party to discuss an action plan for that purpose on 4 February 1992, and I had a chance to speak to some of the participants beforehand. When I asked the farmers' representatives who were present what tenants have to bargain with, it was Abdel-Meguid, an activist farmer from the village of Kamshish known for its history of left-wing peasant politics, who answered:

It is now very obvious that peasant mobilisation is motivated by necessity rather than awareness. Now peasants who have nothing at all to do with politics are saying we are ready to carry weapons to defend the land. Incidents of violence between owner and tenant have already started. There are going to be massacres. We have the issue of social peace to bargain with.

Millions of tenants and their families all over the country are expected to clear their plots on the last day of the agricultural year 1996/7 (summer 97). The tenants of Imam whose life has so dramatically improved with Agrarian Reform are now awaiting another drastic change which they understandably fear will bring back the old order of injustice and exploitation. Fathi's previous

³⁶ *Al-Ahram* (25 June 1992).

³⁷ *Al-Musawar* (29 December 1995).

enthusiasm for Agrarian Reform is now replaced with desperation when he says: 'Now it is as if Gamal Abd el-Nasser is really dead.' When I asked him, however, what he is going to do if the owner tries to evict him from the land, it was in a threatening and defiant tone that he said: 'The owner wants his land? Let him come and get it.' The situation is, as Mohamed Iraqi accurately described it, a time bomb. The question still remains though: was it oversight or over-confidence on the part of the architects of the law that they could not, in 1992, visualise the day in 1997 when millions of peasants who have nothing more to lose would be forced, collectively, out of land they have securely farmed for forty years?

For the tenants, security in the land has been an acquired right, and eviction unthinkable. Given that they are about to be thrown out of this land, there is a pervasive and justified feeling that anything is now possible. Even before the deadline, violence has already started. On 29 February 1996 in a Delta village, a tenant was stabbed to death by a landlord who was too impatient to wait for another year.³⁸ Intense security measures which will certainly accompany the execution of the evictions may help reduce the level of immediate violence that many expect will take place. The bitterness, however, will not subside easily, and there is little that anyone can do to prevent the mass-level vendetta between owners and former tenants that will plague social life in rural Egypt for many years to come.

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