ERASING THE EFFECTS OF AGRARIAN REFORM AND SOCIAL CONTEMPT FOR AGRICULTURAL TENANTS

PRODUCTION OF THE LAW AND FORMS OF RESISTANCE

Prepared by: Sakr El-Nour

Edited and Introduction by: Reem Saad



Memory & Knowledge for Studies

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“The old world is dying, and the new world struggles to be born, now is the time of monsters.”

Antonio Gramsci



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1 » PROFILE OF REPORT PARTICIPANTS

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Reem Saad:

A researcher in social anthropology, based in Cairo, and has academic writings in the fields of agriculture and transformations of rural society. She is also publicly active in contexts as diverse as abolishing the death penalty and encouraging non-institutionalized learning avenues. Previously, she worked at the American University in Cairo as an Assistant Professor of Social Anthropology and before that as Director of the Center for Middle Eastern Studies and as Associate Professor of Research in the Center for Social Research.

2 » INTRODUCTION BY EDITOR

On the twenty-fourth of June 1992, the Egyptian People's Assembly issued Law No. 96/1992 amending some provisions of Law No. 178/1952. The latter is the first agrarian reform law, and its amendments were officially known as the law regulating the relationship between landlord and tenant in agricultural lands, known among peasants as the law of expelling tenants. The new law gave a five-year deadline that ended on October 1, 1997, the day when about one million families lost land and who, until the law was passed, had enjoyed secure ownership of their land. The overwhelming majority of them were poor small farmers, and by losing land they lost a major source of their livelihood and food security as well.

More than thirty years have passed since the issuance of the law, which is considered one of the most dangerous laws issued during the Mubarak era which had one of the greatest impacts on the lives of a wide segment of the Egyptian people. The law had dire and far-reaching effects, the brunt of which we feel now, although many of us do not realize its relationship to this disastrous law, which is largely responsible for the exacerbation of the problem of rural poverty, unemployment, and the food crisis. The vast majority of tenants relied on the land to ensure their food security, and with the change in the situation, the rental market became open, and the rent rose exorbitantly. In addition, the contracts were not legally registered, but rather the prevailing pattern became rent for a short period of time that could be limited to one agricultural season. As a result, the tenants moved away from growing the main food crops and turned to commercial cash crops with the aim of selling them to pay the exorbitant rent. This is in addition to the dire environmental consequences and damage to the condition of agricultural lands due to the excessive use of chemical fertilizers with the aim of obtaining a larger crop, and the reluctance to use fertilizers that are beneficial to the soil and whose impact is visible only in the long term.

Regulating the relationship between landlord and tenant was part of the first agrarian reform law issued on September 9, 1952, whose importance was not only limited to the redistribution of expropriated lands outside the maximum limit stipulated, but the most important and influential aspect of the law was related to the regulation of tenancy relations.

Over time, the owners complained about the situation, as they were unable, for example, to sell their land laden with permanent tenants at the market price, or to lease it to others informally and at a higher price, as was done by other owners whose lands were not inhabited by «permanent tenants.» The problem was not discussed with any seriousness, and the political forces as a whole did not reject the law, with the exception of the Tagammu' Party and the Peasants' Union (under establishment at the time), but their objections went unheeded, although the position of the Tagammu' Party did not deny the existence of a problem related to the status quo and made serious proposals to deal with it, the most important of which was a proposal establishing a fund to lend to tenants for the purpose of purchasing lands from landlords at a market price, then paying the price in installments over a long period.

The issuance of the law coincided with a period of what is known as the policies of economic liberalization and structural adjustment under the guidance and pressures of the International Monetary Fund, and although the abolition of the rent law and the "liberalization" of the agricultural land market were completely in line with these policies, the law was not motivated by external pressures, but by the internal interests of landlords who wanted to reclaim their land. It is noteworthy that the law was issued by a People's Assembly filled with landlords and did not have a single tenant member. It is also to be mentioned that the law was issued without any studies and without even having a database on the size of those affected, let alone considering any means to avoid the severe damage that affected them. Instead, government newspapers were employed to exert collective pressure, and Islamic law was also employed, as the Mufti of the Republic and the Sheikh of Al-Azhar were invited to the People's Assembly session in which the law was discussed, and Fathi Sorour announced that the Mufti and the Sheikh of Al-Azhar decided that the Agrarian Reform Law was invalid by Islamic jurisprudence terms because the lease contracts were of indefinite duration.

It is also worth noting that the same legal principle of respecting the right of ownership, the same economic interest in "liberalizing the market" and the same legal principle of invalidating an indefinite contract, all apply strictly to the situation regarding the rental relationship of housing in major cities, where these dwellings are occupied by permanent tenants who pay low and fixed wages. However, the state did not subject urban residents to the same hardship as it did with rural farmers for two main reasons. The first is that tenants and homeowners do not stand on opposite sides of the spectrum in terms of class status, as is the case in agricultural lands, where a large number of middle-class and wealthy people benefit from the stability of housing rents in cities, in contrast to the situation of agricultural land. The second reason relates to the different nature of protest activity between rural

and urban areas, as it is easy for the government to control protests in some villages here or there, but it must take many considerations into account when it comes to urban residents taking to the streets.

Thus, in one fell swoop, nearly 10% of Egypt's population was impoverished and marginalized through mechanisms that the Mubarak regime mastered and used in the same way on many other fronts.

Erasing the effects of agrarian reform and social contempt for agricultural tenants

“Production of the Law and forms of resistance”

Despite the importance of Law No. 96 and its deep and far-reaching effects on a wide segment of the Egyptian people, interest in it did not continue beyond the state of anticipation and tension during the transitional phase since the law was issued, which reached its climax with the process of eviction of tenants by the end of the deadline in October 1997. After the moment of crisis had passed the issue dropped out of the concern of public debate and the evicted tenants were left to fend for themselves. Thus comes the importance of this report, which deals with all aspects related to the law and clarifies the connection of its issuance and implementation process with the prevailing political context in the period of neoliberal transformation, where the economic choices of power overlapped with the political and class interests of a small but influential social segment.

The report includes two main sections. The first section focuses on Law 96 as the final link in the story of agrarian reform since its inception in 1952. It also deals with the content and importance of the law. As for the second section, it addresses the conflict over the law and its consequences in three areas: the political debate during the process of issuing the law, the conflict over land after the law was approved, and finally the judicial struggle after the law was passed. These components are integrated to form a detailed and comprehensive picture of the content of the law and its various contexts and consequences. It also reflects a central idea in the report, which is summarized by the concept of «social contempt», which the researcher chose to conclude the report with. The researcher believes that this concept helps us understand the relationship between state agencies and tenants and explain the performance of the authority during the stages of issuing and applying the law. The researcher emphasizes that what is meant by Social contempt is not limited to the apparent contempt inherent in the demeaning attitude towards peasants in general, but also involves, to a greater extent, less obvious forms, albeit of deeper impact, as shown in their complete exclusion, lack of consideration and exclusion even from the narrative of the history of the Egyptian social movement.

The first section provides a necessary historical background from the issuance of the first agrarian reform law, about six weeks after the Free Officers assumed power, until the issuance of Law 96. One of the most important things mentioned in this section is the engagement with political and academic opinions that criticized the agrarian reform laws, claiming that they were not radical enough, benefiting only a small percentage of peasants. Sakr Al-Nour opposes this opinion, which confines its analysis to the percentage of the land that was confiscated and the percentage of beneficiaries of its redistribution and does not take into account the most important aspect of the laws of agrarian reform related to regulating the rental relationship and determining its value as seven-fold the tax and preventing the eviction of tenants. The researcher believes that redefining the concept of tenure to include tenants represented «a real revolution in the concept of ownership.» This, of course, is in addition to the widespread influence of the regulation of lease relations, which at that time represented 60% of the volume of land exploitation. In view of this, it becomes clear why Law 96 is considered a coup against long-established gains and why the term «counter-agrarian reform» was popularized in the literature that dealt with it.

The second section of the report addresses the forms of conflict that accompanied the issuance and implementation of the law by focusing on three areas: political debate in the public sphere, social conflict on the ground, and conflict in the courts. Although it is obvious to say that the process of issuing legislation and laws does not occur in a vacuum or in an independent dimension, we need to constantly remind ourselves of this matter. Hence the importance of this section, which explains how power relations played their role in issuing the law accordingly. We will also learn about the mechanisms that were used, and the division of roles between the different actors on the part of the political power and its allied economic interests. We will learn about the forms of resistance on part of the affected peasants. In addition to the importance of this aspect in studying the law, it is also important because it documents the nature of the exercise of politics during the Mubarak era.

The role of unequal power relations was evident in the field of public political debate, especially in the preparation process that preceded the issuance of the law, as government newspapers were employed to exert collective pressure by drawing caricatured stereotypes of landlords and tenants to serve the landlords' position. Peasants were portrayed as lazy people who stay up late to watch videos and desert their land to travel abroad to purchase more consumer goods. That image was used as evidence of the injustice befalling the big landlords.

On the other hand, the big landlords were portrayed as the destitute but respectful children of the middle class who were helpless in the face of the oppression to which they were subjected by ruthless tyrants. The process of creating this image and presenting it as a reality was one of the tools of pressure that landlords used to change the law. Sakr Al-Nour also touches on the role of the People's Assembly, which fully sided with the landlords at the expense of the tenants who had no representation in the assembly. He also dealt with how Islamic law was employed to pass the law, as the joint report by the Agriculture and Irrigation Committees and the Office of the Constitutional and Legal Affairs Committee referred to the fatwa of the Grand Mufti that agricultural lease contracts must be of fixed terms.

The discussion of the conflict on the ground over the land is considered one of the most important sections of the report, as it documents the forms of peasant resistance during the transitional period and the period after the application of the law. The authorities faced these protests with extreme violence, many victims fell across the Egyptian countryside, and a large number of farmers were arrested. The report indicates that this peasant protest movement coincided with confrontations against takfiri groups, and the concomitant tightening of the security grip on villages and cities in all governorates, and the violent silencing of all forms of opposition. Sakr al-Nour believes that this peasant protest movement can be considered the nucleus of the social movement that accompanied the Egyptian revolution in 2011.

Finally, the report discusses the role of the judiciary in consolidating the foundations of the law after its issuance. This section deals with two main points, the first of which is that the tenants' resort to the legal path was a continuation of their struggle against the law, as they began to file lawsuits immediately after the eviction process and the owners' restoration of the lands. The second is the detailed review of the position of the constitutional court, which identified with the position of the authority, pointing out that the political role of the Constitutional Court and its adoption of state policies for privatization and neoliberal transformation were not only related to agricultural tenants and peasants, but rather were accompanying the path towards neoliberal transformation in all its stages.

3 » INTRODUCTION

In 1992, with the advent of the fortieth anniversary of the first Agrarian Reform Law of 1952, the People's Assembly approved Law No. 96 of 1992 amending some provisions of decreed law No. 178 of 1952 on agricultural reform, known as the Law Regulating the Rental Relationship between Landlord and Tenant or the Law of Liberalizing Agricultural Rent Prices, which raised rents from 7 to 22 times the real estate tax on land during a transitional period of 5 years, after which landowners were granted the right to evict tenants and then subject lease contracts to civil law, i.e. to the forces of supply and demand on the free market. This law drove a deep nail into the coffin of the flabby «Agrarian Reform Law». It also represented a very painful blow to the tenants and their families and sparked a lot of controversy and social conflict in which the judiciary played a pivotal role.

In March 1998, Mr. Youssef Hafez Mustafa filed a lawsuit requesting a decision of unconstitutionality of the text of the first paragraph of Article 33 bis (g) of Law No. 96 of 1992 amending the provisions of Law No. 178 of 1952 regarding agricultural reform, which refers to the termination of all agricultural lease contracts upon expiration of Agricultural year 96/1997. Ten years after the lawsuit and eleven years after the law came into force, the court ruled on January 13, 2008, to dismiss the lawsuit because the text does not contradict the provisions of the Constitution, as we will explain in detail later. However, the Constitutional Court's ruling did not end the debates over landlord and tenant law. On October 6, 2020, the Chairman of the Board of Directors of the General Authority for Agrarian Reform sent a letter to the State Council regarding the rental value of the land belonging to the authority, which it leases to farmers in accordance with the agrarian reform laws of the July Revolution, asking if it will continue with a value of 7 times the tax, or 22 times, or if it will be liberated to be subject to the market demands like lands owned by private individuals. The State Council's response on February 27, 2021, stated that the rental value of the lands under the administration of the General Authority for Agrarian Reform is subject to the landlord and tenant law, and thus the rent is estimated at the same value as in accordance with the civil law, which is determined by market forces, supply, and demand. Thus, the landlord and tenant law sparked a lot of controversy, discussion and conflict for a period that seems to be longer than had been imagined, since even now, thirty years later, it is still present in the courts, and its social and economic effects are still present in the Egyptian countryside.

In this study, we try to review the processes of law production, its ideological and class patrons, the controversy that arose around it and its effects, and how the judiciary played a central role in liquidating one of the most important gains of poor peasants from the July Revolution, if not the most important one. The study is divided into three sections. In the first section, we will deal with the agricultural reform: how it began and how it ended, leading to the approval of the landlord and tenant law. In the second section, we shall review the social, political and judicial debate around the law that took place in the public sphere, whether on the pages of newspapers or on the streets, and in the third section, we will discuss the role and vision of the judicial system and how it affected law enforcement.

4 » AGRARIAN REFORM: HOW IT BEGAN AND WHERE IT ENDED?



a » Brief history of agrarian reform and counter agrarian reform

Agrarian reform occupies a central place in the decisions and policies of the first era of the July regime. The law was announced 45 days after the Free Officers expelled the king and appointed a new government[1]. The nascent July authority sought through this law to reduce the power of the class of large landlords linked to the palace and the bourgeois liberal parties on the one hand, and on the other hand to obtain a popular lining from the peasants. Small peasants, tenants, and agricultural workers at that time represented a wide segment of the most numerous, least organized, and most miserable Egyptians, which made them suitable groups to form a popular incubator for the nascent regime.

Despite the profound impact left by the agrarian reform laws on the Egyptian countryside and Egyptian agriculture, however, based on the issue of land redistribution, many researchers may tend to describe the law as not radical enough. For example, Fathi Abdel-Fattah[2] explains in his book **"Nasserism and the Experience of the Revolution from the Top - the Agricultural Issue"** that the law was not radical even by the standards of the era, in which these measures were taken. The United States of America supported a similar reform in Japan after World War II, and the World Bank described the law as liberal and consensual. The law led to the redistribution of 13% of the land area, and only 19% of the peasants benefited from the redistribution.

The first law of agrarian reform approved landlord compensation; Article 5 of Law No. 178 of 1952 states:

"Anyone whose land the government has seized, in accordance with the provisions of this law, shall have the right to compensation equivalent to ten times the rental value of this land, in addition to the value of fixed and non-fixed facilities and machinery, and trees. The rental value is estimated at seven-fold the original tax of the land. If the land was not attributed this tax in the general assessment of land taxes in force since January 1, 1949, for being moor, or if it was linked to a tax whose category does not exceed one pound per acre, its price is estimated by the Supreme Committee for Estimating the Prices of State Lands".

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1. Fathi Abdel Fattah, Nasserism and the experience of the revolution from above the agricultural issue. Dar Al-Fikr for Studies, Publishing and Distribution, 1987.
2. Ibid.

That is, the compensation was equivalent to approximately seventy times the real estate tax, which was estimated in 1949 at about three pounds annually per feddan. Thus, the compensation for the land reached a value of approximately 210 pounds per feddan. If we consider that the price of a feddan was equivalent to about 400 pounds, then the compensation was almost about half the value of the land[3].

Peasants who obtained land were also obliged to pay the price of the land. According to Article 11 of the law, peasants benefiting from the redistribution were obliged to pay the price of the land equal to the amount of compensation decided by the government for the large owners, with an annual interest of 3%, plus 15% distribution expenses, and to pay the price of the land in installments over thirty years. The amendment issued in 1958 reduced the interest from 3% to 1.5%[4], and then another amendment was issued in 1961 through Law 128, which decided to reduce the amount that was not paid to half, and cut the annual interest in half, and in 1964 through Law 138 it was reduced again to a quarter[5]. Fathi Abdel-Fattah also explains that in cases of agrarian reforms in other socialist countries, the owners did not receive compensation in exchange for land confiscation. In 1964, Law No. 104 was issued that canceled the payment of compensation, 12 years after the first law.[6]

There were successive attempts to deepen the effects of the law. In 1961, the second Agrarian Reform Law (Law 27 of 1961) was passed, which reduced the ownership ceiling from 300 to 100 feddans per family. After that, the property cap was reduced to 50 feddans per family in 1969, but according to Abdel-Fadil, this last reduction was not actually implemented. In general, within the framework of the various agrarian reform laws that were approved and implemented between 1952 and 1970, a total area of 950,000 feddans was redistributed and transferred from one hand to another, i.e. about 15% of the cultivated land at the time.[7]

Although the percentage of redistributed land, which represented about 15% of the total cultivated land, may seem limited, it led to a reduction in feudal ownership through the steady determination of the ceilings of agricultural ownership[8]. In

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3. Mahmoud Abdel-Fadil, Economic and Social Transformations in the Egyptian Countryside 1952-1970: A Study of the Development of the Agricultural Issue in Egypt. The Egyptian General Book Organization, 1978, Cairo. p. 18.
4. Fathi Abdel-Fattah, 1987, previous reference, p. 41.
5. Official Gazette, Decree of the President of the United Arab Republic, Law No. 138 of 1964 amending some provisions of the Agrarian Reform Law, Issue 69, March 24, 1964.
6. Fathi Abdel-Fattah, 1987, previous reference, p. 47.
7. Mahmoud Abdel-Fadil, previous reference, p. 21.
8. Property cap has evolved since 1952 as follows
- Law No. 187 of 1952 (Agrarian Reform Law) specified (family ownership cap to be 200 acres per family (father, mother, and minor children). The law has also permitted those who own more than that to settle within five years for small farmers of at least two acres

addition, the confiscation of the property of the ruling family, the dissolution of civil endowments, and the distribution of endowed lands to the beneficiaries reduced the influence of this class.

On the other hand, the middle property sectors benefited from the redistribution process, by purchasing from large owners during the period where they were allowed to dispose of the excess property according to the first law, which is the social segment to which themayors and notables historically belong in most Egyptian villages[9]. Thus, the law has led to a significant reshaping of power and authority relations within Egyptian society, contrary to opinions that believe it had a limited impact.

The more profound impact on the structure of production relations and power in the countryside, affected rent relations, which at that time constituted 60% of the volume of land exploitation and represented the center of peasant protests during the two decades preceding the July Movement. Agricultural rents were a major source of income for the urban elites and bourgeoisie residing in the capital. Stabilizing agricultural rents and achieving rental security for tenants brought about a radical change in production relations and in the concept and mechanisms of land access on the Egyptian countryside.

The first agrarian reform law dealt with the issue of agricultural rents in five articles, Article 32 to Article 37. The most important content in these articles is that the rental value of agricultural lands was set at seven times the land tax, and an important amendment was made in regulating the rental relationship to prevent the landlord from expelling the tenant as long as he cultivates the land and performs the duties stipulated in the lease. Law No. 52 of 1966 also introduced the prohibition of evicting the tenant even if the lease term expired unless he did not respect the terms of the contract during the previous lease period. It also allowed him to pass over the land to his children provided one of the heirs works in agriculture. As for the tenants, in return for dividing the crops (tenants under the sharing or sharecropping system), the law adopted an equal division of costs and benefits from the crops between owner and farmer. The law also granted tenants agricultural tenure cards and gave them the right to vote in the agricultural cooperative.

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or less than five acres.
- Law No. 127 of 1969 added desert and fallow lands to property cap, as they were excluded in the first law.
- Law No. 50 of 1969 reduced the property cap to 50 acres, and 100 acres for family ownership.

9. These groups, with their traditional influence in the villages, were able to become the heir to all the privileges enjoyed by the big owners, so they controlled the associations, and enjoyed the strongest weight within the credit institutions, see Fathi Abdel Fattah, previous reference, p. 26.

Those measures modified the relationship between the landlord and the tenant, giving the tenant power, strengthening his position in the face of the landlord's authority, and re-establishing controls and rules for contracting between tenants and owners of agricultural lands. The tenants gained the guarantee of continuity in the production process in the long term, and this was reinforced by the transfer of agricultural possession to the heirs. Determining the rent value of agricultural lands prevented speculation and exploitation by landlords.

The articles regulating the lease relationship represent a real revolution in the concept of ownership, and a redefinition of the legal system regarding the use of agricultural lands. The concept of possession was redefined in Law No. 84 of 1962 as follows:

"Every owner or tenant who cultivates agricultural land for his own account or exploits it in any way is entitled to possession of the land"[10].

The infiltration of the concept of individual ownership is evident here, through this broad definition thereof. In this context, the articles regulating lease relations can be considered the most revolutionary among the agrarian reform laws and the most equitable for those who cultivate the land.

With regard to the improvement of the livelihood of the rural population during the first period of the July regime, the senior economic researcher Riyad Al-Ghunaimi[11] indicates that over the course of 14 years (1951-1965), rural poverty rates in Egypt decreased from about 50% to 24% of citizens. The state also made gains for the public treasury as a result of reforming the rental relationship and redistributing land to farmers. The re-rationalization of land taxes led to an increase in land tax proceeds from 5.8 million pounds in 1952 to 21.8 million pounds in 1967, and the proceeds of money collected in the form of installments from farmers benefiting from land redistribution operations amounted to about 8.2 million pounds.[12]

With Sadat assuming power, a new era for Egyptian agriculture began[13]. In October 1971, the President issued a decision to compensate the former feudal lords, after Law

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10. Official Gazette, Issue No. 108, Decree of the President of the United Arab Republic, Law No. 84 of 1962 regarding the system of agricultural holding cards, May 1962.
11. El-Gonemy, R. (2002). Agrarian Reform Policy Issues Never Die. Keynote speech at the Conference on Agrarian Reform and Rural Development: Taking Stock، organized by the Social Research Center of the American University in Cairo، Egypt، 4-7 Mars، 2002.
12. Mahmoud Odeh, 1982, The Peasants and the State: Studies in the Methods of Production and the Social Formation of a Traditional Society. Arab Renaissance House, pg. 157.
13. Muhammad Abu Mandour, Gamal Siam, The Land and the Peasant in Egypt: A Study of the Effects of the Liberation of Egyptian Agriculture, Center for Economic Studies at Cairo University and Al-Mahrousa Center, 1995.

No. 104 of 1964 had abolished the compensation. Also in that year, the confiscations of the property of 1,200 Egyptian families were abolished, as well as all remaining ones on August 31, 1981[14]. As a result, peasants to whom the confiscated lands were distributed for cultivation were expelled.

After the victory of October 1973, the change of economic policies towards market dominance and economic openness took a new impetus[15] that resulted in major changes in the agricultural sector. In 1975, some provisions of the Agrarian Reform Law were reviewed. On June 23, 1975, the People's Assembly approved the landlord's right to evict the tenant from the land if he was late in paying the rent for more than two months. Local committees for settling disputes were abolished and their functions were transferred to the judiciary, which reduced the power of local agricultural communities and their ability to make decisions. In 1976, Republican Decree No. 824 of 76 was issued to dissolve the Agricultural Cooperative Union and distribute its property.

In the same year, a presidential decree was issued to cancel the Public Authority for Agricultural Cooperation and the Public Corporation for Agricultural and Cooperative Credit. Other amendments were made to Cooperation Law No. 51 of 69, and finally Law No. 117 of 1976 was issued establishing the Main Bank for Development and Agricultural Credit and village banks that were entrusted with the task of financing agriculture as an alternative to cooperatives. Agricultural financing began to turn into a profitable investment form, which removed its cooperative and developmental nature that was in the interest of agricultural producers.

These changes resulted in a significant decline in the rights of small farmers and agricultural tenants, since they limited their ability to access financing, production requirements, and cooperative services, which led to an increase in the power of agricultural owners and the encroachment of the market. Despite the great changes that took place in the agricultural sector, the migrations to the Gulf that accompanied that period significantly reduced the expected effects of the economic open-door policy on the most vulnerable groups in the countryside. The emerging labor markets in the Arab Gulf countries since the 1970s, against the background of the sharp rise in oil prices, absorbed millions of rural Egyptians[16].

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14. Zuhdi al-Shami, in The Political Economy of Egyptian Agriculture, Erian Nassif (supervisor) in Searching for an Alternative to the Problems of Agriculture and Peasants in Egypt. Cairo. Arab Research Center. 2008.
15. Ayubi, N. N. (1991). The state and public policies in Egypt since Sadat, Political studies of the Middle East series; no. 29. Ithaca.
16. To understand the importance of migration to the oil-producing countries, it should be noted that the effects of migration affected about 15 million citizens, according to the calculations of the dependency ratio, or about a third of the population of Egypt in that period.

Egyptian demographer Nader Fergany[17] asserts that most immigrants to the Gulf during the 1970s and early 1980s were of rural origin.

Mubarak's accession to power and the exacerbation of the economic crisis prompted further incursion into neoliberal policies through negotiations with international institutions on economic reform and structural stabilization. Before the IMF and World Bank agreement was signed in November 1991, the Ministry of Agriculture and Agrarian Reform had engaged early in close relations with the USAID, in order to restructure the agricultural sector, reduce state subsidies provided to farmers, and focus on export-oriented market and production.

The Mubarak era witnessed a growing role of both the World Bank and the United States Agency for Development in drawing up rural and agricultural development policies[18]. The country adopted the USAID recommendations, promising Egypt the potential to enjoy a share of food commodities markets in Europe, including strawberries, green beans, peppers, tomatoes, grapes, peaches, and citrus fruits, and that the most appropriate conditions for this type of production are large areas and investment in agricultural technology, and thus reducing small holdings and fragmenting lands, and this is what the state's general agricultural policy clearly and explicitly adopted[19].

The state reduced its role with regard to the cultivation of small farmers in the Valley and the Delta, and launched a strategy to eliminate most forms of support for agricultural production inputs and began to support export crops and investors' access to vast areas of land in agricultural reclamation projects and areas through a package of facilities, procedures, laws, and direct allocation.

Forms of reducing subsidies for small farmers in the Valley and the Delta that took place during the Mubarak era included liberalizing the prices of agricultural crops, starting in 1987. 12 crops were liberated from compulsory importation and compulsory pricing, and only cotton, rice and sugar cane remained. These measures affected both rice and cotton in 1990 and 1994 respectively, leaving only sugar cane under the authority of the state[20].

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17. Nader Fergani, In Pursuit of Prosperity: A Field Study on the Migration of Egyptians to Oil Countries, Center for Arab Unity Studies, Beirut 1988.
18. Bush, R. (1999). Economic Crisis and the Politics of Reform in Egypt. Boulder, Colo.: Westview Press. P 35.
19. Ali Nwegi - Towards a Bank for Agricultural Cooperation to Confront the Government's New Agricultural Policy - Al-Tagamo'a Publications.
20. Mandour and Siam. Land and the Peasant in Egypt, "A Study of the Effects of the Liberation of Egyptian Agriculture", Center for Agricultural Economic Studies and El-Mahrousa Center, Cairo. 1995. p.: 28.

Fertilizer subsidies, except for potassium phosphate, were also abolished, and cotton worm pesticide subsidies were reduced in 1997. The private sector was allowed to trade in production requirements and import fertilizers, and the public sector's sale of standardized fodder at subsidized prices was cancelled. By 1993, these procedures were completed by abolishing the maximum ownership of reclamation lands for agricultural companies, facilitating the empowerment of land investors, and connecting water to large desert farms under the law regulating the rental relationship between landlord and tenant (Law No. 96 of 1992), which is the last step of the program to liberalize the farming agricultural sector.

Thus, the Mubarak era represented a continuation of the Egyptian agricultural liberalization policies launched by Sadat. The meaning of liberalization here is distorted, as it indicates that the state "did not interfere" in the agricultural sector and left it to market forces. However, what happened, as we have indicated, was that the state intervened in favor of major agricultural exporters and Egyptian and foreign investors and enabled them to access land and water.

The state harnessed all its capabilities for them, and in return it reduced subsidies to farmers in the valley and the Delta. For example, it began to ration water and prevent the cultivation of some crops in some areas in the Delta and the valley due to lack of water. At the same time it abided by its contracts with investors by providing water throughout the year around the clock, and allowed them to withdraw unconditionally from the canals it built for agricultural projects (such as the projects of Toshka, East Al-Tafre'a, and Wadi An-Nuqra) and underground water reservoirs in Egyptian deserts. The state also granted lease contracts to agricultural investors for a period of up to 99 years and reduced the prices of new lands in the desert for large investors down to 50 pounds per feddan in projects such as Toshka. It liberalized the cost of agricultural land in the Delta and the valley through law 96/1992 which resulted in their increase.

It also set the duration of agricultural lease contracts to no more than three non-renewable years, which reinforced the impoverishment of agricultural tenants in the Egyptian countryside, because of the law.

Since the beginning of the Sadat era, the state had actually dismantled the Nasserite legacy gradually and partially without public discussion or prior announcement to absorb any potential social tension. However, Law No. 96 of 1992 was decisive in the neoliberal transformation of Egyptian agriculture. It ended the most important aspect of the July Movement's agrarian reform laws of rent security and granting tenants uncontested rights of access and control over the land they farmed.

Economic liberalization policies in the agricultural sector had significant effects on the countryside as they increased rates of social inequality and led to the impoverishment of large sections of the rural population[21]. After the high rates of social equality and the decrease in poverty during the early years of the Nasserite era (1952-1957) because of the laws of land reform, rural development policies and the increase in social services in the countryside, poverty and inequality rates increased because of the counter-agrarian reform. Those neo-liberal policies removed the gains of the Nasserite era and raised the rates of inequality, unemployment, and poverty in the Egyptian countryside[22] [23]. Ray Bush (2012) indicates that the neoliberal model in Egypt has reached the stage of "contempt" for the peasantry, which means that they are completely excluded from the development process, as if they did not exist or were not interested in development.

21. Abdel Aal, M. (2002). Agrarian reform and tenancy in Upper Egypt. Counter-Revolution in Egypt's Countryside: Land and Farmers in the Era of Economic Reform, 139-159.
22. El-Ghonemy, M. R. (2006). The political economy of rural poverty: the case for land reform. Routledge.
23. Ibrahim El-Essawy, The Egyptian Economy in Thirty Years: Analyzing Macroeconomic Developments Since 1974 and Explaining Their Social Repercussions, With a Visualization of an Alternative Development Model, Academic Library, Cairo, 2007.

b » Why is the 96/1992 law considered important and a milestone?

The program of neoliberal transformation in the agricultural sector during the Mubarak era continued to deduct the gains that the peasants obtained during the Nasserite period, as we previously indicated, to its full takeover in 1992 with the approval of Law No. 96 concerned with regulating the relationship between landlord and tenant. We will return later to the public discussion of the law and in parliament, but we will now refer to the content of the law and what that decision represented in terms of a significant regression of the gains of farmers and agricultural agriculture in Egypt.

The law stipulates that the owner has the right to take the land from the tenant during the five-year period (1992-1997) if the owner wants to sell the land if he pays 40 times the tax for each remaining year. But if he waits until the end of the five years, he pays 200 times the tax to the lessee, recovers the land from him and disposes of it as he wishes, whether by re-leasing it or selling it in accordance with Article 35 bis (b) of the law. In its fifth article the law gave priority and granted those affected by the law the right to the newly reclaimed land in accordance with the applicable conditions and rules. It also stipulated that tenants residing on leased land would not be evicted until the state had provided them with alternative accommodation.

The law ended the rental security, which was guaranteed in previous land reform laws, and ended the definition of the tenant as an owner. Possession became a monopoly over ownership, especially with the reluctance of landlords to conclude formal agricultural contracts for tenants and to settle only with verbal agreements. Consequently, the majority of agricultural tenants lost a set of rights related to tenure, such as voting in the association, obtaining seeds and fertilizers at reduced prices, and borrowing from the Agricultural Credit or Development Bank.

There are different estimat Agriculture es of the percentage of renters who were evicted. In the best estimates, this law caused the eviction of about 904 thousand tenants, which means nearly five million Egyptian families. Tenants affected by the law cultivated about 23.7% of the cultivated land. This figure was derived from agricultural census statistics issued by the Egyptian Ministry of[24].

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24. See Karam Saber, Features of New Changes in Rural Egypt, p. 207-239. In: What is happening in the Egyptian countryside: the economic and social effects of the structural adjustment program, edited by Mustafa Kamel El-Sayed, Karam Saber, and also Ray Bush, An agricultural strategy without farmers, pp. 15-42.

The law caused an increase in rural poverty and burdens on farmers. The steady increase in agricultural rents caused an increase in burdens on small farmers and renters, as shown in Table No. 1. Poverty studies confirm the rise in rural poverty rates after the application of the law, as shown in Table No. 2.

Table 1:

The development of agricultural rents from 1952 to 2018

Renewal of rent value	Value of feddan per year (LE)	Year	Legal framework
Seven-fold the land tax	200	1990	Law 178/1952
22-fold the land tax	600	1192-1997	Law 96/1992 – transitional phase
Market price	3000-4000	After 1997	Law 96/1992 – market price
Market price	5000-5500	2007-2008	
Market price	8000-10000	2018-2019	

Data source: Atef Kishk 2009, *Sakr Al-Nour 2013, **Mohammed Ramadan and Sakr Al-Nour 2021.

Table 2:

Developments of poverty rates from 1981 to 2000

Year	1981/1982	1990/1991	2000
Rural areas	26.9 (18.2)	39.2 (28.6)	51.9 (22.1)
Urban areas	33.5 (16.1)	39 (20.3)	29.9 (9.3)
Total	29.8 (17)	39.1 (25)	42.6 (16.7)

Data source: for the years 1981/1982, 1990/1991, 1995/1996, the Human Development Report of Egypt, the United Nations Development Program, 1996; and for the years 2000 and 2004-2005. The source is the World Bank 2007 report. The percentages in parentheses are an underestimation of the poverty line because the Human Development Report and the World Bank calculate two poverty lines.

The law also did not prevent the fragmentation of agricultural holdings, which is the declared goal of implementing the law, as the law was promoted as leading to the elimination of the fragmentation of tenure, the consolidation of land in the hands of a smaller number of farmers, and the reduction of small holdings in order to develop the sector through mechanization. Comparative data on the distribution of ownership according to the various agricultural censuses between 1999 and 2010 show the increased fragmentation of the agricultural area. The percentage of holders of less than a feddan in 1990 was about 36% of total holders, then it increased in 2000 to reach 43% (see Table 3).

Table 3:

Development of the percentage (%) of agricultural holdings by farm size, 1990-2010

Area	1990	2000	2010
Less than 1	36.1	43.5	48.3
1-5	53.8	46.9	43.5
5-10	6.8	6.3	5.2
10-20	2.1	2.2	2
20-50	0.9	0.9	0.8
50-100	0.2	0.2	0.1
More than 100	0.1	0.1	0.1

Aboulnaga, et al., (2017). Study on small-scale family farming in the Near East and North Africa region. Focus country: Egypt. Study on small-scale family farming in the Near East and North Africa region. Focus country: Egypt.

The stated aim of the law was to increase the large areas required for market production, and the possibility of introducing new technologies. Hence, changing the price and increasing rents would support production, develop its methods, and fulfill export requirements in a way that attracts investments to the agricultural sector and ensures the achievement of justice and restoring a balance between landlord and tenant. When we look at the data and figures related to the economic and social transformations in the countryside after the implementation of the law, it appears that the proportion of small areas has increased, which often means an increase in production for consumption. Poverty data showed a deterioration in the livelihood of peasants and rural residents, an increase in bidding over agricultural lands, and an extreme rise in rental prices, which does not achieve any interest for the tenants, and confirms the failure of the law to achieve the declared goals.

Reem Saad asserts that this law had the greatest negative impact on the deterioration of farmers' livelihoods during Mubarak's era.

> **"Law No. 96 left nearly a million families without their main source of livelihood [...] One cannot think of a decision that has had a more negative impact on the livelihoods of poor farmers than thislaw. "25**

If the law caused the eviction of about 904,000 tenants, which means nearly five million Egyptian families, then why didn't the state hesitate to implement it? What is the form of discussion and narrative through which the law was marketed? How was it passed by Parliament and maintained by the courts? This is what we will try to address in the following sections of the study.



قانون المالك والمستأجر شرد ٩٠٠ ألف مزارع

كتب: محمد قطب

مطلوب قانون جديد لتنظيم العلاقة بين الملاك والمستأجرين للأراضي الزراعية

Picture 1: Source, Al-Masry Al-Youm, April 26, 2005

25. Saad, R. (2016). Before the spring: shifting patterns of protest in rural Egypt. The Oxford Handbook of Contemporary Middle-Eastern and North African History. P4.

5 » THE LAW AND THE POLITICAL, SOCIAL, AND JUDICIAL STRUGGLE



a » How was the law produced, rationalized, and passed: Political context and press debate

Robert Springborg[26] points out that thinking about changing farm lease laws began in the 1980s. In 1985, the Agriculture Committee of the ruling National Democratic Party submitted a proposal to the Council of Ministers to amend the agricultural rent laws. The amendment included an increase in rents from seven to fifteen-fold the tax, and the prohibition of inheriting the leased land except in the case of the son (heir) working on the land. It entitled the landlord to sell the land in two plots with a five-year interval, with compensation for the heir 150 times the tax if the landlord sells the land, and priority was given to the tenant in the event of sale. At the beginning of 1986, even though the bill had not reached the People's Assembly, there was an intensification of discussions in the newspapers on the subject, and the government announced repeatedly during that period that it was in the process of changing the laws of the rental relationship. Newspapers also published the details of the proposal. However, a few weeks later, the Central Security Forces uprising broke out in February 1986; tens of thousands of Central Security forces demonstrated against the poor living conditions. Robert Springborg attributes the failure to continue with the plan to introduce and pass the bill at this time to this event that terrified the authority at the time.

The issue of changing agricultural rents has been publicly discussed since that date and the debate was soon heated again in the newspapers at the beginning of 1988. Springborg[27] refers to this, explaining that the Shaab Newspaper published by the Labor Party had published in January 1988 that the government had finalized preparations for a draft changing rental relations. A month later Al-Ahali newspaper confirmed the information saying that an agreement had been reached on the issue. However, an official announcement did not appear until February 1992, when Yusef Wali, Minister of Agriculture and Deputy Prime Minister at the time, announced that the government had completed preparing the law and it would be presented in the current parliamentary session.

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26. Springborg, R. (1991). State-society relations in Egypt: The debate over owner-tenant relations. Middle East Journal, 45(2), 232-249.
27. Springborg, 1991.

Reem Saad[28] points out that a month after this announcement, the ruling party took the initiative to invite party leaders to discuss the draft proposal before submitting it to parliament, and the Labor Party, the Liberal Party, and the Tagammu' Party accepted the invitation. The most important points agreed upon were raising the rents to 22-fold the tax, and granting the landlord the right to sell the land, with the tenant given priority to buy it and obtaining a 25% reduction in its value. In the event that the tenant does not wish to purchase, he will receive 25% of the sale value as compensation for leaving the land. The Tagammu' Party proposed securing bank loans against the land to facilitate the purchase of land by tenants, and all parties agreed to these amendments. However, with the appearance of the draft law that was presented to Parliament at the end of March 1992, it became clear that the government did not abide by the agreement with the parties.

Reem Saad noted the depth of polarization around the law and the diversity of positions between political forces and the various national and partisan newspapers. In addition to the National Party, the Ahrar Party and the Wafd Party, as well as the Muslim Brotherhood[29], were supporters of the law, while the Nasserite movement and the Tagammu' party stood against it. The different points of view were apparent in newspapers. National newspapers, especially Al-Ahram, expressed the point of view of the authority and portrayed tenants as exploiters and that they had accumulated wealth and purchased lands as a result of the low rents they paid. There were also stories about tenants who were able to buy tens of acres, and about oppressed landlords suffering from poverty.

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28. Saad, R. (1999). State, landlord, parliament and peasant: The story of the 1992 Tenancy Law in Egypt. In Proceedings of the British Academy (Vol. 96, pp. 387-404).
29. Regarding the Brotherhood, an article published recently in the Lebanese newspaper Al-Akhbar by journalist and economic researcher Bissan Kassab confirms what Reem Saad indicated. Kassab explains that the position of the Muslim Brotherhood was in harmony with that position of the group's historian in his book "the Muslim Brotherhood" where he explained that the group believes that distributing the lands confiscated by the Agrarian Reform Law to the peasants should have been in favor of the wealthy and not the poor, because the wealthy peasants have the ability to spend on the land, while the poor cannot. And that the distribution of land to the landless leads to the deterioration of agricultural production and the deterioration of the conditions of farmers." Bissan adds that when the issue of repealing Law 96 of 1992 was reopened, the response of the spokesman for the Economic Committee of the "Freedom and Justice" party, Muhammad Guda, was the group's refusal to amend or cancel the law, because "it is unacceptable, rationally or legally, for the tenant to share ownership of the land with its owner. https://al-akhbar.com/Arab/72939

The situation was described as a transformation of the noble goal of the Nasserite Agrarian Reform Law, which wanted to end feudalism, but in the end created the feudalism of the tenants. Accordingly, the law was justified as achieving justice and restoring balance in the rental relationship. Rather, one of the justifications promoting the law was that the low rents had pushed the tenant peasants to laziness and to spend time on coffee shops and lack of effort. Despite the clear contradiction between describing the tenants as exploiters who accumulated wealth and stigmatizing them as lazy and unemployed, national newspapers used the two justifications together, sometimes in the same article, without paying attention to this obvious logical defect. On the other hand, Al-Ahali newspaper devoted its pages to criticizing the law, and the voice of the tenants appeared several times in its coverage[30].

While the law was passed in its final form to Parliament in March 1992, without considering the recommendations of the parties, as we indicated, the law was referred in May to the joint committee consisting of the Agriculture and Irrigation Committee and the Office of the Constitutional and Legal Affairs Committee. The committee approved the draft law and recommended the House to approve it. It was clear from the committee's report that it was realizing that it would restore the conditions of agricultural rents to what they were before 1952, i.e. their recourse to civil law and thus ending that historical exception that lasted for nearly forty years.

The report also clearly linked the previous measures to liberation of the agricultural sector from the abolition of compulsory importation, the abolition of forced pricing, and the abolition of subsidies for most production requirements. The report describes Draft Law 96 of 1992 as «a tool for progress, bringing about development, and achieving justice in the field of agricultural activity.» The committee used Islamic law to justify determining the term of the contract based on the fatwa of the Grand Mufti of the Republic that

> **"a specific time or period must be specified for agricultural land leases because the contracted benefit is measured thereby. If the period is known, the amount of the benefit can also be known."[31]**

30. For example, Al-Ahali published a report titled "Some Landlords Gamble with Rural Stability", 17 June 1992.
31. Report of the joint committee of the Agriculture and Irrigation Committee and the Office of Constitutional and Legal Affairs on a draft law amending the provisions of

Before making its decision, the committee held seven meetings in which it listened to the opinions of representatives of the «Businessmen's Association, the Social Union, the Central Cooperative Union, in addition to the Tagammu, Ahrar, Labor, New Wafd, and the National Democratic parties.» The absence of tenants is evident from the formation of the hearing committees, and even the complete absence of peasants in general from these committees. Add to this the important observation made by Robert Springborg[32] that 80% of the People's Assembly deputies in 1986 were residents of the capital, specifically elite neighborhoods of the capital. The Agriculture Committee of the National Party also consisted of members of the People's Assembly and the Shura Council, academics, government employees, and businessmen. It did not include any peasants or farmers. The head of the Peasants Committee of the National Party was a veterinarian and came from a family with a large estate. It is also noted that the head of the joint committee of the Agriculture and Irrigation Committee and the Office of the Constitutional and Legal Affairs Committee was MP Abu Bakr Hamad Al-Basil, who is the grandson of Hamad Pasha Al-Basil; that is, his origins went back to a feudal family[33].

After the state paved the way for «urban» and «conservative» public opinion to accept the law, whether by portraying small tenants as exploiters and/or lazy and portraying landlords as victims and the law as a tool for justice, agricultural progress, and the realization of the purposes of Islamic law, the law was passed in Parliament. In the session approving the law on June 23, 1992, Dr. Fathi Sorour opened the session by pointing out that the government had prepared a balanced project that achieves justice for both parties (the landlord and the tenant) and takes into account the goals of (neoliberal) economic reform.

Dr. Fathi Sorour also added that he consulted both the Grand Mufti and the Sheikh of Al-Azhar to ensure that the law was in conformity with Sharia.

All the more just proposals put forward by the opposition or put forward by the regime itself in other similar cases were ignored. The state was able to find a way out to determine the duration of the contract, which is consistent with Islamic law, by specifying lease contracts for a period of 90 years, as in agricultural lease contracts for foreign investors, or for a period of 54 years, as in residential leases. In addition, the Residential Tenancy Law, about which the discussion began at the same time, did not apply to old leases, and approved old contracts and gave them a period of time that extends over two generations, after which they would be null and void.

Decree-Law No. 178 of 1952 on agricultural reform, Ministry of Industry and Trade, Public Amiriya Press.

32. Springborg, R. (1991)

33. It is worth noting that the lands of the al-Basil family were excluded from the agricultural reform laws, in honor of Hamad Pasha's valiant role in the 1919 revolution.

So, this solution was also possible! Real estate development or equality did not contradict allowing old contracts to continue and applying the new law to new contracts and areas. Observers of the debate at the time unanimously agreed that opponents of the law generally saw the need to increase rents but were against ending rental security. Not to mention the possibility of the state adjusting the land tax without burdening the farmers as a result of the failure of its agencies to review the tax every ten years. Changing the value of the land tax and increasing the rent from seven- fold the tax to 20 or 30-fold, in addition to guaranteeing rental security for a period of 54 years ending with the second generation of tenants, ensured justice without prejudice to the rights of tenants; but the legislator apparently did not want that.



b » The struggle on the ground after endorsement of the law

The implementation of Law 96 of 1992 generated a multi-form protest movement in the countryside, especially at a time when the transitional period (from 1992 to 1997) witnessed an increase in peaceful protest activity. With the end of the transitional period and the start of the implementation of the eviction of tenants, violent confrontations occurred between the tenants and the landlords, and between the tenants and the police, the likes of which the countryside had not witnessed in many decades, and the state violently confronted this uprising. At a time when the transitional period between 1992 and 1997 witnessed forms of peaceful movement, peasants organized dozens of meetings, signed petitions against the law, sent letters and complaints to the Presidency of the Republic, Parliament, and the Council of Ministers, and organized marches, vigils, and hunger strikes. All this took place in an atmosphere fraught with «national unity» in the framework of the «war against takfiri groups.» The period from 1990 to 1997 witnessed violent confrontations between the state and extremist Islamic groups.

In 1990, the Islamic Jihad group killed the Speaker of the People's Assembly, Dr. Refaat al-Mahgoub, and continued its acts of sabotage, targeting public figures, Copts, and tourists until the violence reached its climax in the Luxor incident in 1997, when 62 tourists were killed, and the incident caused a major security shock. This period also witnessed the silencing of the voice of the opposition and the restriction of opportunities for movement on the street under the slogans of confronting terrorism and extremism and unifying the home front. One of the main results of the war on terror was also the ability of the police force to control governorates other than the capital, tighten the security grip on the villages and cities in those governorates, and prevent any political or unauthorized security activity during that period. At the same time, and at an accelerated rate, the same years witnessed an acceleration of economic reform and structural adjustment policies.

The date of the entry into force of the law and the beginning of the implementation of the expulsion of tenant farmers and the handing over of land to new tenants is considered a turning point in social relations in the Egyptian countryside.

The Land Center for Human Rights recorded some of its developments. Between October 1997 and May 1998, the Center documented violent clashes in more than 100 villages, and 32 deaths, in addition to the injury of 751 peasants and the arrest of 2410 peasants in the Egyptian countryside as a result of protests and clashes with the police and landlords subsequent to the implementation of that law. Many peasants were subjected to intimidation, illegal detention, and torture by the police forces.[34]

This confrontation/tribunal trial was the most lively and violent confrontation with neoliberal policies since the 1977 uprising, yet the peasants fought this confrontation alone, with little support from the urban elites, and with contempt and abuse by the apparatus of the ruling authority. For many months, peasants organized more than a hundred conferences and gatherings to present their problem, and they held dozens of demonstrations in villages, on the main road, in village centers, as well as in the capital. They sent hundreds of complaints and confronted the police and landlords with empty hands. Dozens of them were killed and hundreds imprisoned. In the end they succumbed under the weight of power and landlords and their social isolation. For example, in March 2000, 100 peasants went on hunger strike and sit-in in the mosque of their village «Izbat 600» in the Mahmoudiya district of Giza because the police came to confiscate the land from them and hand it over to the owner's heirs.

Since the law was approved in 1992, forms and methods of protesting and confronting it have varied. During this period, farmers organized more than a hundred popular conferences in villages to reject the law, and thousands of signatures were collected in a petition against the law. However, all this did not prompt the state to reconsider[35]. The protest movement of the peasants represented the nucleus of all forms of struggles and social movements that accompanied the Egyptian revolution in 2011. In a different reading, these events can be viewed as a central point in opening the public sphere and raising questions about Mubarak's neoliberal policies and about the relationship of the authority to society in Egypt[36].

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34. For more details, see: The Conditions of Peasants in Rural Egypt (Report), 2000, The Land Center for Human Rights, Cairo. Conditions of Peasants and the Agricultural Sector in Light of Globalization: Report, 2002, Land Center for Human Rights, Cairo, and also; Peasants' Rights in Line (Report), 2003, The Land Center for Human Rights, Cairo.
35. Sakr Al-Nour (2014) The Peasants and the Revolution in Egypt, Forgotten Actors, Al-Mostaqbal Al-Arabi Magazine, 6 (2827), 1-15, Center for Arab Unity Studies.
36. Ibid.



تحقيقات

حرائق.. مظاهرات.. اعتقالات.. جرحى.. قتلى

حصاد الأسبوع الأول من تطبيق قانون طرد المستأجرين

- ٩ قتلى و ١٧٤ مصابا و ٢١٦ معتقلا
- في الجيزة.. كما فعلت الهجانة قبل الثورة
- الأمن يستعرض عضلاته في قرية الوردان
- البحيرة: الأمن يجهض ٤ سيدات في عزبة الوقف
- اشتعال الحرائق في منزل مالك بقطور غربية
- ٦ قتلى في قنا و ٤٠ مصابا واعتصام مستأجر في قسم الشرطة
- مهندس ري يقطع المياه عن الأرض بالتواطؤ مع الملاك
- ضابط في مهمة غير رسمية للقبض على سيدة في الشرقية والأهالي يتصدون له

Picture 2: Source, Al-Arabi newspaper, 13 October 1997

It is noticeable that the firmness, power, and speed by which the law was implemented was much more than that which accompanied the implementation of the agrarian reform laws of 1952. This may be due to the fact that the first law was detrimental to the interests of the Egyptian bourgeoisie which, despite the July Revolution curtailing it, controlled the state bureaucratic apparatus and defended its interests. As for the confrontation of the landlord and tenant law, the peasants found themselves alone when the bureaucratic state apparatus joined forces with the landlords against them, and during this period from 1997 to 2010 they were subjected to various forms of violence.[37]

37. Osama Raafat Selim. 2019. State Political Violence Against Peasants: A Field Study in an Egyptian Village. The Arab Journal of Sociology, vol. 2019, issue. 24, p. 239-314.

c » Legal struggle after endorsement of the law

Not only did the peasants confront the law on the street, but courtrooms also represented a central arena for the struggle over the law. The legal path began immediately after the beginning of the expulsions of the peasants and the repossession of the lands by the owners with the help of the police and the local authorities. This is another evidence of the peasants' adherence to the rule of law and their view of the issue of safe rents as a right linked to their being citizens of a country towards which they have basic duties in the production of food, and a state that has obligations towards them, including providing rental security and enabling them to continue agricultural production operations in a secure manner that gives them sovereignty over their food and enables them to reproduce socially and meet the food needs of society. (Picture source: El Dostour newspaper, 30 April 2000)

There is ample evidence that the partial courts have witnessed this type of cases against the landlord and tenant law in the north and south of the country. We were unable, in fact, to enumerate all those cases, but we obtained a number of them confirming their spread throughout the country from the north of the Delta to the south of Upper Egypt.



حكم تاريخي لمحكمة دشنا الجزئية

تعليق العمل بقانون العلاقة بين المالك والمستأجر

كتب ـ جمال اليمني:

اصدرت محكمة دشنا الجزئية برئاسة المستشار محمود المليجي حكما تاريخيا بتعليق العمل بقانون العلاقة بين المالك والمستأجر لحين الفصل في دستوريته.

كان عبد الراضي عزام ـ أحد المستأجرين ـ قد أقام الدعوى القضائية رقم ١٢٤١ لسنة ٩٧ مطالبا فيها باستمرار العلاقة الايجارية مع المالك طبقا لقانون الاصلاح الزراعي القديم رقم ١٧٨ لسنة ٥٢.

من ناحية أخرى تضمنت عريضة الدعوى رقم ١١ لسنة ٢٠ق، أمام المحكمة الدستورية العليا بطلان المادة ٣٣ فقرة (د) من القانون رقم ٩٦ لسنة ٩٢ حيث ينص الدستور في مادته الأولي على ان نظام الدولة هو النظام الاشتراكي الداعي للمساواة وتكافؤ الفرص كما تدعو المادة الى الحفاظ على مبادئ ثورة يوليو.

يذكر ان جريدة «الأسبوع» كانت قد نشرت قضية الدفاع عن الحقوق المكتسبة للفلاحين مستندة الى ان القانون الجديد يؤدى الى تغيير الأوضاع الاجتماعية وان ذلك سوف يحدث خللا بالمجتمع وعدم التكافؤ الاجتماعي مما يؤدى الى ظهور طبقات اجتماعية اقطاعية وهذا ما نصت عليه مواد الدستور مما يعد خروجا على مبادئ ثورة يوليو المجيدة.

Picture 3: source, El Dostour newspaper, 30 April 2000

In 1998, a case was filed with the Supreme Constitutional Court[38] for the unconstitutionality of the text of Article 33 bis (g) of Law 96 of 1992, which states:

"The lease contracts for agricultural land, whether in cash or by crop sharing, that are in effect at the time the provisions of this law come into force expire at the end of the agricultural year 1996/1997, unless the two parties agree otherwise.

The lease contract does not end with the death of the landlord or the lessee, and if the lessee dies within the period indicated in the previous paragraph, the right to rent is transferred to the heirs of the lessee until the end of the previous period. The provisions of the Civil Code - including those related to determining the rental value - shall apply to the lease contracts mentioned in the two preceding paragraphs upon the expiration of the five-year period.

If the landlord wishes to sell the leased land before the expiry of the period indicated in the first paragraph, the lessee may choose between buying it at the price agreed upon or vacating the land after receiving payment from the owner in exchange for a waiver of the remaining period of the contract. The waiver is calculated at the value of 40-fold the tax for each agricultural year or the tenant remains on the land until the end of the period referred to in the first paragraph."

After 10 years of the lawsuit and 11 years since the law came into effect, the court ruled on January 13, 2008 to dismiss the lawsuit because the text does not contradict the provisions of the constitution. In its ruling, the Supreme Administrative Court relied on several tools to justify its decision, which can be summarized in **«the authority of the legislator to organize - Islamic Jurisprudence - the principle of equality and justice - protection of private property - the abandonment of the socialist system.»**

What concerns us here is the attempt to analyze the court's arguments for dismissing the case. Although there is an overlap between the court's point of view and the point of view of the authority in their justification of the law, there are points worth considering in the text of the court's decision that illustrate the extent of bias towards the authority rather than the constitution. We would like to focus specifically on two important issues related to power relations and discourse tools that have been harnessed to defend the law. The first is the issue of Islamic law and the second is the issue of market economics. The ruling states that the law is sound and based on Islamic Sharia, explaining:

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38. Text of the Supreme Constitutional Court ruling, listed in the Supreme Constitutional Court schedule No. 70 of Judicial Year 20, Supreme Constitutional Court website. https://www.sccourt.gov.eg/SCC/faces/RuleViewer.jspx
(Last visited 21 October 2022).

"And what Islamic Sharia jurists have unanimously agreed upon is that the lessee's right over the leased property should be a personal right for a specific period of time, and it is preferred to subject this right to the general provisions stipulated in the civil law."[39]

The court used the same discourse as the government. Here we pose a question: Why is Islamic law used as an excuse to pass class interests? We refer to Dr. Galal Amin's comment as mentioned by Reem Saad in her reference study on the law. Galal Amin says:

"My astonishment was accompanied by a great deal of distress when I read in the newspapers the discussions of the People's Assembly regarding the amendment of the Agrarian Reform Law and the headlines that included the following statement: The Agrarian Reform Law is null and void according to Islamic Sharia... Here we see the enforcing of God's rulings in a dispute related to people' interests. The government did not amend the agrarian reform law because it suddenly discovered after forty years that the law was not compatible with Islamic law, but because of the pressures of the International Monetary Fund and the World Bank... Doesn't the government see anything else in Egypt where "people's money is being illegally consumed except for the Agrarian Reform Act?[40]"

We add to Dr. Galal Amin's important observation that this interpretation could have been «respected» according to Sharia regarding the issue of time-limited contracts by extending the duration of the old agricultural contracts for 90 or 100 years. Why then limit the period to three years? The court thus sided with a political interpretation and adopted the government's point of view. Here, it clearly appears that the issue of «Islamic law» is nothing but a false cover and exploitation of religious authority in class and social struggle, siding with the interests of certain groups of society, and neglecting, marginalizing, and impoverishing other social groups.

The second point that we wish to highlight is the justification for the judgment by stating that the state has moved to a market economy. The judgment says:

"And since what the plaintiff raises is that the contested text includes undermining the economic basis of the socialist system based on the principle of security and justice, which leads to a decrease in national income, a decrease in the standard of living, leads to unemployment, and the loss of protection established for the benefit of the farmer and agricultural worker from exploitation, and wastes the principles of the July Revolution, which stipulates the abolition of feudalism and the fight against exploiting capital, and reveal the negligence of the members

39. Ibid.
40. Saad, R. (1999), p 400.

of the People's Assembly and their breach of the oath of loyalty that they swore before assuming their positions as members of the legislative authority, is refutable, because the constitutional amendment which was subject to a referendum and approved on 3/26/2007, had amended the texts of Articles (1), (4), (12), (37) and (59), and the amendment revealed society's abandonment of the socialist system as a basis for the economic system, and the associated rules that predict society's adoption - in the current stage of its development - of the free economy system as an alternative to the socialist system; thus the plaintiff's argument in this regard is not truly correctly founded and hence subject to rejection."

One of the interesting points here is the inference to the constitutional amendments that took place in 2007, that is, after the law was issued in 1992, to justify the state's abandonment of the «socialist approach.» According to the last constitutional amendment before the 1992 law, which is an amendment after the May 22, 1980 referendum, the first article states that

"the Republic of Egypt is a state whose system is socialist and democratic, based on the alliance of the forces of the working people;"

and Article 4:

"the economic basis of the Arab Republic of Egypt is the socialist democratic system based on sufficiency and justice in a way that prevents exploitation and leads to narrowing the differences between incomes, protects legitimate earnings and guarantees fair distribution of burdens and public costs"

(The Official Gazette, Issue 26 June 1980).

That is, democratic socialism and not economic liberalism or market liberation were stipulated in the constitution at the time the law was passed.

It is strange that the ruling relied on Article 2 of the 1980 Amendment, which stipulated that "the principles of Islamic law are the main source of legislation," while the principles of social justice and socialism that were present in the constitution in force at the time were ignored. The congruence between the political position and the legal position and the use of the same tools, namely Islamic law and economic liberalization, are evident. If the ruling was based on a constitutional article in referring to the issue of the duration of contracts in Islamic law, then until the adoption of the law, the constitution did not stipulate liberalization of the market, but rather social democracy and social justice. The ruling exposes the selectivity and the political orientation of the court to ensure the interests and vision of the authority.

Here, the selectivity and political use of the court to achieve the interests and vision of power appear.

It is worth noting that the political role of the Constitutional Court and its adoption of state policies for privatization and neoliberal transformation were not only related to agricultural tenants and peasants but accompanied the path of neoliberal transformation in Egypt. In the legal report on privatization, legal researcher Emad Mubarak explains that this trend was a basic feature of the constitutional court rulings, especially after the end of Counselor Awad al-Morr's tenure from 1991-1996.

Numerous court rulings in that era added a legal and constitutional character to neoliberal transformation and austerity policies, depriving large segments of Egyptians of their basic rights to work, food, health care, and education. When the political and class conflict moved from the public and political spaces to the courtrooms, the court sided with the powers of authority and influential groups, ignoring their role and function that transcends these biases by emphasizing the compatibility of the law with the constitution rather than legitimizing positions of those in power. It is an authority that monitors the executive power rather than follows its footsteps.

Last but not least, the ruling was issued 11 years after the application of the law. Therefore, the court was aware at the time of the speculations in land prices, the deterioration of peasant livelihoods, the failure to achieve the economic goals of the law, and the increase in rural poverty rates. In other words, the discourse on the issue of justice and equality has revealed its falsity, but the court chose to align itself with the authority and the most powerful groups in society against the tenant peasants and to give priority to the political over the constitutional point of view.

6 » CONCLUSION

As we have seen, the vision of the court intersected with the executive authority, interest groups, religious discourse, and the security apparatus, and all these voices united to remove tenants from their lands and increase poverty and inequality in the Egyptian countryside. The state agencies (the media, parliament, the judiciary, and security) all contributed to the operations of distorting the image of the tenants, expelling them from the land, and subjecting them to all means of symbolic and material violence. This process goes beyond the concept of impoverishment to reach a form of neglect and exclusion, which the peasants tried to resist through various tools of social protest, up to recourse to the judiciary. However, the power narrative and its tools remained dominant, and the point of view of the tenants, let alone their rights, were ignored.

The relationship between state apparatus and tenants can be explained by social contempt. We do not only mean social contempt in its manifest forms such as pity, inferior stereotypes, isolation, and apparent violence, which we have tried to explain some of its features in this paper - but it also included other forms that are less visible and more profound and perhaps more painful and dangerous to the social existence of individuals and society namely social invisibility and complete exclusion of the peasantry. The narrative of the history of the Egyptian social movement did not include the peasant movement against this law among the factors that lead to the Egyptian revolution in 2011.

