



Urban Studies Seminar 2018–2019

Annual Theme:

The Urban Spatialities of Religion in the Middle East, Africa and South-East Asia

Monday, 19 November 2018, 5 pm

Pacta Sunt Servanda: Socialism, Islamism, Neoliberalism and Rent Conflicts in Egypt

Lecture by **Yahia Shawkat** (Co-founder of *10 Tooba*, Berlin)

Venue

Leibniz-Zentrum Moderner Orient
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The Roman legal principle of “pacta sunt servanda”, Latin for “promises are binding”, made its way to most Arab countries when colonial regimes hybridized secular (mostly civil) law with Islamic sharia as the mainstream jurisprudence from the late 19th century onwards. The pacta principle was translated to Arabic as “al-‘aqd shari‘at al-muta‘aqidin”, literally meaning “the contract is the law of the contractees”. It is this interpretation of the principle that landlords in Egypt have sought to enforce, seeing it as an almost independent legal microcosm to the existing judicial infrastructure; to rule over their property as they saw fit. In 1941 the government started to suspend civil law jurisdiction of rental contracts and imposed rent controls that would supersede the contracts. The controls would become known as Old Rent and would be expanded and strengthened by Nasser in the 1950s and 60s, in what he saw as a “tangible socialist law.” In the 1970s, under liberal Infitah with Islamicist undertones, the “Believer President” Sadat would have Old Rent slightly modified, though this time imploring Islamic values. Neoliberal structural adjustments of the 1990s led to a compromise between socially intentioned Old Rent and deregulated New Rent and would stoke a massive resistance from landlords. The latter called on how sharia prohibits control over their property, and sought religious edicts to support their claims. This presentation chronicles how one rent law has been promoted from the top by governments of opposing ideologies, socialism and liberal Islamism. It also looks at as how landlords have opposed it from below, citing pre-Islamic pacta jurisprudence as Islamic.

Yahia Shawkat is an urban and housing researcher who specialises in policy and legislative analysis, data visualisation, and historical mapping. With a focus on spatial justice and fair housing, he co-founded the research studio 10 Tooba (2014), where he developed the Built Environment Observatory (BEO), an open knowledge portal identifying deprivation, scrutinising state spending, and advocating equitable urban and housing policies. He formerly was housing rights officer at EIPR (2013-2015) and directed the Right to Housing Initiative in 2012. Yahia is further a regular guest lecturer as well as a consultant for the watchdog BIC, UN-Habitat and UNHCR. His papers and articles have been published in *Egypte Monde Arabe*, *Architecture_MPS*, *Mada Masr*, *Open Democracy*, *Heinrich Boell*, *MEI*, among others. Yahia has also consulted on housing policy for the watchdog BIC, as well as UN-Habitat and UNHCR.