We are a nation in dire need of energy and innovation. Our past is like a shabby, worn-out garment that we must shed in order to enter the new world in new garb.

While we advanced by slow steps, the world rushed forward, leaving us behind among the runners, at the back when we were once at the front. Do we aspire to live in the culture of the twentieth century according to the logic of the Middle Ages? Our culture is ancient, our systems are ancient, our social life is ancient, our economic patterns are ancient and our language is ancient. How, then, can we manage in the modern era?

Sanhūrī, *The New and the Old*, 1949

1. The Definition and Scope of Progress

1.1 *Time is Movement*

This chapter argues that alongside the establishment of its first two pillars, namely the pillar of social integrality and solidarity among individuals and classes, and the pillar of protecting and defending the weak within the framework of rules of morality and justice, the New Code also sought to establish the third pillar, one that is at first glance no less pretentious than the first two: to remove obstacles that had hindered economic and social life in Egypt for generations, and, by so doing, to enable strong, dynamic and entrepreneurial forces in the country to move forward to a new Egyptian future. The Code hoped that this would advance Egyptian society as a whole toward the goals of modernization, progress and economic development.

It may now be understood why the first two pillars preceded the third pillar, or had to appear together with it, since the sudden transformation of economic and social frameworks set in a conservative social system

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that operated in accordance with centuries-old customs might threaten
the very fabric of that society. Although the Code believed that these
frameworks were negative, their dismantling might cause foment among
certain circles, such as the religious establishments, which had not only
become accustomed to these frameworks, but had even come to define
themselves through them.

Accordingly, the first two pillars were important for the authors
of the Code, and Sanhûrî in particular, in two respects: not only in
order to protect the status quo in the polarized Egyptian society of the
1930s and 1940s and to support the fabric of society, but also in order
to enable the new social formula proposed by the Civil Code, which
argued that if the Code protected and defended the weak, while at
the same time encouraging and stimulating the strong, then it might
be possible to maintain and even enhance relations between the dif-
ferent components of society—the strong and the weak, the rural and
the urban, and the past and the future. The Code aimed to move all
of these social components one step forward, but by binding them all
together, social solidarity would not be dismantled, and communal
cohesion would be maintained and protected. All elements of society
would stride forward, but the gap between them would be maintained
and even narrowed.

These three pillars should therefore be examined on two distinct
levels, as detailed in the next chapter: on the everyday level, in the
increasingly polarized Egyptian community; and on the future level, in
the vision of a new Egyptian community based on a new formula. This
analysis does not claim the existence of a substantive community, in
the sense of a defined group of people that may be clearly and sharply
delineated; rather, as Benedict Anderson argued, a ‘community’ is an
imaginary group of individuals who imagine a partnership in history,
language and geography, and whose borders are therefore blurred and
dynamic.²

One might argue, therefore, that the goal of the third pillar, on which
the New Code was based, is to elaborate and professionalize the tools
of private law, and particularly economic law, available to individuals
in society, and thereby to increase the level of sophistication of society

² B. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*